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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: ROSS WORTHINGTON

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15 Tuesday, February 15, 2022

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17 Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 10:03
21 a.m.

22 Present: Representatives Aguilar and Murphy.

1 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE

5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] STAFF ASSOCIATE

8 [REDACTED], PROFESSIONAL STAFF MEMBER

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

11 [REDACTED] SENIOR COUNSELOR TO THE VICE CHAIR

12 [REDACTED], CHIEF CLERK

13 [REDACTED] PROFESSIONAL STAFF MEMBER

14 [REDACTED] INVESTIGATIVE COUNSEL

15 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

16 [REDACTED] SENIOR PROFESSIONAL STAFF MEMBER

17 [REDACTED] OF COUNSEL TO THE VICE CHIAR

18

19

20 For ROSS WORTHINGTON:

21

22 JOHN BURLINGAME

23 DAN DELNERO

24 JAMES EVANS

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[REDACTED] So I'll just go on the record here at 10:03 a.m., and say good morning.

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This is a deposition of Ross Worthington conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol pursuant to House Resolution 503.

7

Mr. Worthington, thank you for joining us by Webex.

8

If could please just state your full name and spell your last name for the record.

9

The Witness. Ross Worthington, W-o-r-t-h-i-n-g-t-o-n.

10

[REDACTED] Thank you.

11

12

And if you could please raise your right hand, we'll swear you in for the deposition.

13

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The Reporter. Do you swear or affirm the testimony you're about to provide in this deposition, under penalty of perjury, shall be the truth, the whole truth, and nothing but the truth?

16

The Witness. I do.

17

[REDACTED] Thank you, Mr. Worthington.

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This will be a staff-led deposition, but members of the committee, of course, may join and choose to ask questions. And I'll note for the record that Mrs. Murphy is with us this morning.

21

Thank you for joining us.

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My name is [REDACTED] I'm a senior investigative counsel. And joining me here in the room where I am are, to my left, is [REDACTED] who is chief investigative counsel. To my right is [REDACTED] who is a senior investigative counsel. And to [REDACTED] right is [REDACTED] who is an investigative counsel.

1 Also joining us by Webex is [REDACTED] a senior investigative counsel, and then
2 various staff and the court reporters.

3 Now, we'll follow the House deposition rules that we provided you and your
4 attorneys as part of the subpoena package, and under those rules, you are permitted to
5 have an attorney or attorneys with you today. And I see that you are in the room with
6 one of your attorneys, Mr. Burlingame.

7 So at this time, Mr. Burlingame, can you please introduce yourself and your
8 colleagues and spell your names for the record.

9 Mr. Burlingame. Sure, happy to. My name is John Burlingame,
10 B-u-r-l-i-n-g-a-m-e, representing Mr. Worthington. With me in the room are my
11 colleagues, also representing Mr. Worthington, James Randolph Evans, E-v-a-n-s, and
12 Daniel Delnero, D-e-l-n-e-r-o.

13 And [REDACTED], as we discussed beforehand, as part of this deposition, I'd
14 appreciate making part of the record my February 9th, 2022, letter to you and

15 [REDACTED]
16 [REDACTED] We'll do that. We'll mark it as exhibit 69. It will be part of the
17 record. Thank you.

18 So before we begin, Mr. Worthington, we'll go over a few ground rules.

19 There is an official reporter, as you've now seen, transcribing the record of the
20 deposition, as well as a video is being taken of the deposition. It's being recorded.

21 The reporter is also joining us by Webex. And for her benefit and the benefit of
22 the record, if you could please wait before you begin answering each question until the
23 question is complete, and we will do the same and wait until you're done responding
24 before asking the next question.

25 Similarly, the reporter can't record nonverbal responses such as shaking your

1 head. And so if we ask a question, if you shake or nod your head, excuse us, but we'll
2 ask you to and say yes or no or otherwise explain. Okay?

3 Additionally, if you refer to a name that we're not familiar with or an acronym, we
4 may ask you to spell that, and that's only for the benefit of the reporter and the record.

5 The Witness. Okay.

6 [REDACTED] We ask that you provide complete answers based on your best
7 recollection. If the question is not clear, just ask us and we'll do our best to rephrase so
8 it is clear for you. If you don't know the answer, just say so.

9 If you need a break, whether for comfort or to confer with Mr. Burlingame and his
10 colleagues in private, just let us know. We're happy to accommodate. You can go off
11 camera, you can turn off your microphone and go on mute, and we'll give you the time
12 that you need to confer or just take the break.

13 My estimation of this, it will likely take a few hours for us to get through the
14 deposition. So we'll try to take breaks roughly every hour or so if you're amenable, and
15 if you want to keep going, we're happy to do that as well. But just let us know.

16 Throughout the deposition, we'll be directing your attention to exhibits. These
17 are exhibits we provided by Dropbox last night, most of which came from your
18 production, which we appreciate.

19 But what we'll do is have a colleague show the exhibits on screen, and hopefully
20 you're able to see them, and we can zoom in as you see fit to focus on particular parts.

21 So we'll try that out right now and see if you can see it with exhibit 1.

22 Are you able to see that, Mr. Worthington?

23 The Witness. I am.

24 [REDACTED] Okay. And so for the record, exhibit 1, that is a subpoena to you
25 issued by the select committee and pursuant to which you're appearing here today and

1 produce documents.


2 So as we go on with our questions, you may only refuse to answer a question to
3 preserve a privilege recognized by the select committee. If you refuse to answer a
4 question based on a privilege, we may either proceed with the deposition or seek a ruling
5 from the chairman of the committee. And if the chairman overrules such an objection,
6 you are required to answer.

7 I also want to remind you, as we do all witnesses, that it is unlawful to deliberately
8 provide false information to Congress.

9 And since this deposition is under oath, providing false information could result in
10 criminal penalties, to include for perjury and/or providing false statements.

11 Is that all clear?

12 The Witness. Yes.

13  Any questions or issues we should address before we proceed?

14 The Witness. No.

15  Thank you.

16 EXAMINATION

17

BY 

18 Q Mr. Worthington, how old are you?

19 A I'm 33 years old.

20 Q And what is your current occupation?

21 A I am a -- I have a consulting firm.

22 Q And is it right that you served in President Trump's administration for some
23 period of years?

24 A Yes, I served in the administration.

25 Q What year did you join, and what was your role when you joined?

1 A I joined in 2017, and I helped set up the speechwriting shop.

2 Q Prior to joining the administration, what had been your last occupation or
3 job before that?

4 A Before going to the White House, I worked for Newt Gingrich.

5 Q In a speechwriting capacity?

6 A I worked for Newt in a writing capacity.

7 Q And how long -- is it right that you stayed in the Trump White House to the
8 end, through January of 2021?

9 A I was there through January 20th.

10 Q And throughout that time, did you remain in the speechwriting office, so to
11 speak, for all 4 years?

12 A Yeah, I was in the speechwriting office for the whole time.

13 Q And what was your title, or titles, throughout your tenure in the White
14 House?

15 A At first my title was special assistant to the President and adviser for policy,
16 strategy, and speechwriting. And at some point, I became deputy assistant to the
17 President and adviser for policy, strategy, and speechwriting.

18 Q And were those the last titles you had up and through January of 2021 when
19 you left?

20 A That was the last title I had, yeah.

21 Q Okay. Now, was there a particular name or official name for the office for
22 speechwriting? I don't know if there is, but was there a way you would refer to it?

23 A Well, I think we called it the speechwriting office. Technically,
24 organizationally, the speechwriting office was part of the office for the senior adviser for
25 policy.

1 Q And who was the senior adviser for policy that you served under? And
2 we're focusing on -- I'll focus us on November of 2020 through January of 2021, in that
3 timeframe.

4 A The senior adviser for policy was Stephen Miller.

5 Q And so in your role, did you directly report to Mr. Miller?

6 A I reported directly to Miller.

7 Q Did you have a dotted-line reporting to anyone above Mr. Miller or
8 otherwise within the White House?

9 A I'm not sure what that means.

10 Q Sometimes people talk about a direct line. Stephen Miller was your direct
11 supervisor. Was there somebody else who you would report to in the chain of
12 command or you'd only go through Mr. Miller?

13 A I mean, we reported directly to Miller.

14 Q Okay. And did you have people who reported to you?

15 A The speechwriting office, yes, I had people who reported to me.

16 Q And were you effectively in charge of the speechwriting office, or was
17 another of your colleagues who was?

18 A I have a -- had a colleague, Vince Haley, who I think I would say we sort of
19 co-ran the speechwriting office.

20 Q Were these under --

21 A Under Stephen.

22 Q And how do you spell Mr. Haley's last name?

23 A H-a-l-e-y.

24 Q Thank you.

25 And was Mr. Haley serving as, I'll call the co-head of the speechwriting office,

1 between November of 2020 and January of 2021?

2 A Yes. Vince had a very similar position to mine.

3 Q And how many people were serving in the office under the two of you as
4 members of the speechwriting office?

5 A I'm not sure the exact number. Several -- we had several writers working
6 for us and a couple of researchers, and at times we had interns.

7 Q I'll say a few names because they show up in your documents, and I think it
8 will be helpful for us to know who they are, just on the front end.

9 One of the people we see is William Bock, I think, the IV. Do you know Mr. Bock?

10 A Yes, I know Will Bock.

11 Q In what role was he within the speechwriting office, and if so, what role or
12 title did he have?

13 A Will Bock was a researcher in the office. I'm not sure what his exact title
14 was.

15 Q And again, I'm focusing on the time November of 2020 to January of 2021.
16 So he was there during that timeframe?

17 A Will Bock worked in the office during that time.

18 Q And then Patrick MacDonnell? And that's M-a-c-D-o-n-n-e-l-l.

19 A Yes.

20 Q And who was he?

21 A Patrick was a writer for us.

22 Q Robert Gabriel? That's G-a-b-r-i-e-l.

23 A Robert Gabriel was Stephen Miller's, I would say, aide.

24 Q Did he have a role within the speechwriting office or an official role, so to
25 speak?

1 A Robert worked directly for Stephen, but he often facilitated a lot of things
2 for speechwriting, yeah.

3 Q Understood.

4 A A gentleman by the name of Ted Royer? R-o-y-e-r.

5 A Ted was a speechwriter.

6 Q And then Anthony Dolan, D-o-l-a-n?

7 A Tony worked in the speechwriting office as an adviser.

8 Q To you and Mr. Haley or who was he advising?

9 A Tony advised Vince and me and Stephen, and in general he was there
10 for bounce ideas off of, that type of thing.

11 Q Where was your office located? Were you in the West Wing, or were you
12 in the Executive Office Building?

13 A My office was, I think, 133 EEOB. It was the first floor of the EEOB in
14 the -- on the far side.

15 Q And was Mr. Haley also in the EEOB with you?

16 A Vince and I shared an office.

17 Q And the rest of the team, other than Mr. Miller, were they all based in the
18 EEOB as well, on the speechwriting team?

19 A Yes.

20 Q And during the time period of November of 2020 to January of 2021, as a
21 general matter, were you all coming into the office to work in person?

22 A What was the timeframe?

23 Q November of 2020 to January of 2021.

24 A I would say that during that time most people were coming into the office.
25 Some people may have stayed home some days. But that was the general practice, was

1 to go in.

2 Q Okay. And just to give you a sense of where we are, Mr. Worthington, I'd
3 like to just take a few minutes to talk about, if it makes sense, the standard process for
4 speechwriting that you worked under. And then I'll pass it off to [REDACTED], who will
5 take over, kind of focusing on the timeframe of November, roughly, of 2020 up through
6 January 6th. And then I'll come back into the picture, okay?

7 A Okay.

8 Q So again just to frame that, though, it would be helpful to talk on the front
9 end about the standard process.

10 A Okay.

11 Q I'm going to come at it with no experience having done speechwriting, so
12 just work with me here to try to understand what your job was like.

13 So when it came to any particular speech, how would assignments be given to you
14 in your office? How would those come down to you?

15 A We generally found out about speeches by -- I mean, there were several
16 ways. We attended scheduling meetings, either Vince or I would attend a scheduling
17 meeting, and we would track speeches as people were considering whether to have
18 them. And sometimes they would happen and sometimes they wouldn't. And then
19 other times we would find out from various components that a speech had been
20 scheduled.

21 Q And in terms of the direction you would be given, when you knew a speech
22 was going to take place or believed it was going to take place, what sort of direction
23 would be provided to the office of speechwriting about the themes or the facts or
24 direction for how to draft it? How would that work?

25 A You're talking about in general over the course of the administration?

1 Q Right. Just as a general matter, how that process would work.

2 A We would generally solicit input from whoever we interpreted to be the
3 equities involved in that speech and try to understand what they were trying to
4 accomplish. And then we would try to help them get a draft that would be what we
5 thought the President wanted to say, provided what those people had in mind.

6 Q And was it typical at the beginning of this process to have input from the
7 President about what he wanted to say, or would that typically come later in the process
8 in terms of his input into the drafting?

9 A I would say it varied depending on the speech how much input we got. But
10 as a general matter, the President liked to review a draft.

11 Q In terms of gathering facts, if it was going to be a factual speech, how would
12 the office go about doing that?

13 A We would -- a couple ways. To gather facts, we would often solicit facts
14 and arguments, et cetera, from other -- from whatever equities were involved in the
15 speech, what a component had, for instance.

16 And then, depending on how fulsome that was, we would sometimes have our
17 researchers also pull together what they thought was appropriate with some input from
18 us.

19 Q And then if researchers pulled together facts, if what you got from the
20 equities partners weren't as fulsome, would the facts that the researchers pulled together
21 go through a vetting process for accuracy with the equities partners, or how would that
22 work?

23 A Well, as you're probably familiar, there's a staff secretary process in the
24 White House. So for every speech, every component gets a circulation of the draft of
25 that speech. And as part of that process, the comms staff also had a research team that

1 would do -- that would generally do a fact-check.

2 Q I see. So in terms of drafting the speech, when you would get the
3 assignment, how would that be delegated within the office? Would you or Mr. Haley
4 take primary responsibility? Or how would that work?

5 A I would say how we assigned speeches really depended on the speech. In
6 general, speeches would be assigned to a writer and they would do a draft, and then we
7 would edit it.

8 Q And the nuts and bolts of editing, would you use -- because, again, it will
9 come up in talking about some of the speeches -- would you use a live editing platform,
10 like Google Docs, where people are going in and can change it at the time, or would you
11 keep version control? How would that work?

12 A For official speeches, we drafted them on our official computers.

13 Q I see. And so just versions through that, they wouldn't be live edited in
14 Google Docs or something to that effect, for official speeches?

15 A In general, no, we didn't, no, we didn't use that.

16 Q And so you've talked about the staff secretary review process. Before it got
17 to that process, Mr. Worthington, would you take drafts up to Mr. Miller for his review, or
18 how would that work generally?

19 A We, as part of the editing process, we would -- yeah, we would generally
20 send a speech or physically go over a speech with Stephen before the circulation.

21 Q And then once it went through the staff secretary process, would it come
22 back to you to finalize a speech, or what happened after that, as a general matter?

23 A As a general matter, once we got a circulation back, we -- either Vince or me
24 or Stephen -- or Vince or I or Stephen, and sometimes a collectivity of the three of us,
25 would adjudicate the edits, or make any follow-ups with certain components to

1 understand what their feedback was.

2 Q And once that process was adjudicated and finalized, where would the draft
3 speech go from there?

4 A After the circulation, the speech -- and sometimes during the circulation as
5 well -- the speech would be delivered by, generally, staff secretary to the President -- or
6 to the President's office.

7 Q How would you get feedback from the President on speeches as a general
8 matter? In person? Handwritten notes? Delivered through somebody else? How
9 would that work?

10 A The President provided feedback and edits to drafts, sometimes handwritten
11 on the printout, sometimes verbally, sometimes through others, like telling someone to
12 tell us something.

13 Q Okay. So it just depended on the speech and the circumstances, no routine
14 practice?

15 A Well, what I've described, that was the routine practice.

16 Q Sure.

17 A Yeah.

18 Q Okay. In terms of, would you be involved with the office of speechwriting
19 in helping the President practice his speeches if he did practice them?

20 A To the extent that the President practiced speeches, sometimes I would be
21 present.

22 Q And on the day that the President would deliver a speech, would you -- was
23 it the practice of the office of speechwriting to have someone there at the delivery or be
24 involved on the day of, or how would that work?

25 A We generally tried to have someone from speechwriting at the delivery of

1 every speech.

2 Q And for what purpose?

3 A The reason we had people there, I mean, many reasons, to hear how it went,
4 in case he had last-minute edits. I mean, it's just -- that was our job.

5 Q In terms of a teleprompter, would the President often use a teleprompter to
6 deliver his remarks?

7 A The President often used a teleprompter.

8 Q Was it the responsibility of the office of speechwriting to run the
9 teleprompter, or was that another office?

10 A The teleprompter operation, there was a teleprompter operator, yeah.

11 Q Within your office or within the Office of Advance, or how did that work,
12 whatever office it was?

13 A I don't know exactly what office the teleprompter operator reported to. I
14 didn't think of him as working for me. I thought of him as working for the President, but
15 we were colleagues.

16 Q Understood.

17 And so you referred earlier to how this process worked for what you called official
18 speeches. That's what you've been describing?

19 A Yes. Everything I've said is generally how we approached official speeches.

20 Q All right. And I'll just use the opposite of that for, I guess, unofficial
21 speeches, or how do you draw the line between what's an official and, say, an unofficial
22 speech? And how would your process differ for unofficial?

23 A For political speeches, we understood from the White House counsel's office
24 that commissioned officers of the President were allowed to work on official speeches.
25 So generally the people who would do that would be me and Vince and Stephen,

1 although there were other commissioned writers who would sometimes help.

2 Q For political speeches, you're saying?

3 A Correct.

4 Q Okay. And in terms of your process, was your process different for political
5 speeches, and if so, how?

6 A I would say in general, as a general matter, for political speeches, there was
7 less interest of various White House components, yeah, to provide input. So generally
8 political speeches were rallies.

9 Q Still would you involve Mr. Miller in the review process? He'd be looking at
10 the drafts before they were finalized and escalated to the President?

11 A Miller would always go over speech drafts.

12 Q And so for the 2020 reelection campaign, and understanding for political
13 speeches or rallies there were fewer components within the White House who would
14 review, who within the campaign, as a general matter, would review the speeches you
15 would draft, if anyone?

16 A I would say that for the campaign we would get feedback sometimes from
17 Jason Miller, maybe Tim Murtaugh. Those are the names that stick out.

18 Q And would the researchers and other speechwriters on your staff, were they
19 also able to assist and help you with that process for political speeches?

20 A The researchers would -- some of the researchers would volunteer to help
21 with political speeches, yeah.

22 Q And in terms of the use of government devices versus personal devices, for
23 the political speeches, was it your practice to use -- you could use your personal devices,
24 computer and your phone?

25 A We tried to -- for political speeches, we would generally try drafting on our

1 personal devices, to not use government resources.

2 There comes a point where we understood from the White House counsel's office
3 that things need to be transferred for them to do the staff secretary circulation and that
4 type of thing. It would happen for any speech, whether it's political or official. And at
5 that point, they would generally be moved up to the White House systems.

6 Q The staff secretary review process, that also applied for the political
7 speeches, just as a general matter?

8 A As a general matter, the staff secretary process reviewed all speeches.

9 Q And the again, nuts and bolts of drafting, for the political speeches, it sounds
10 like at least sometimes you might use Google Docs or kind of a live editing format,
11 whereas you might not do that for the official speeches. Is that fair?

12 A I would say we generally would use Google Docs for political speeches and
13 not for official speeches.

14 Q This is little bit off in that I was going through just the process of you
15 collecting documents before [REDACTED] comes in, which won't take long.

16 But I'll stop here to see if anybody has any questions about the standard operating
17 procedure.

18 [REDACTED] Yeah. Could I? Just a couple things [REDACTED] before you turn it
19 over.

20 BY [REDACTED]

21 Q Mr. Worthington, just a couple more questions about intra-White House
22 coordination.

23 You mentioned research, for example, would sometimes fact-check speeches.
24 Was that a sort of formal part of the process, or did you only circulate something to the
25 folks in research if there was a specific question that you needed to answer?

1 A We had our own researchers who fact-checked everything, and White House
2 comms had their own researchers fact-check everything.

3 Q I see. And so did every official speech go through sort of both of those
4 channels, your own internal speechwriting researchers to check the accuracy of the facts
5 and then there was a second look from communications research?

6 A The idea would be that there was two looks at it, correct.

7 Q I see. Okay.

8 How about coordination with the press secretary and her operation? Was there
9 any coordination at all with the folks that were working on sort of the earned media
10 strategy or responding to press requests?

11 A We would occasionally talk to people in press. I wouldn't say it was a
12 constant practice.

13 Q Okay. Were there meetings sort of regularly at which you and the
14 speechwriting team would talk about sort of things upcoming with the press folks, or with
15 research, or with the digital team? I'm just trying to get a sense of sort of messaging,
16 writ large, and whether that was coordinated.

17 A There would be, on a regular basis, scheduling meetings, I believe, where all
18 components -- or most components would be represented. And that would be how we
19 would generally get an idea of what people had in mind and how they saw different
20 events.

21 Q Okay. I appreciate that. It sounds like that was more logistical, though,
22 than substantive. In other words, was there a sort of, okay, we're going to start talking
23 about, election fraud, for example -- I think [REDACTED] going to get into the post-election
24 period -- and we're going to do it through press, and we're going to do it through digital,
25 and we're going to give three speeches on it?

1 Was there any of that kind of strategy coordination during your time in that
2 position in the White House?

3 A Well, as a general matter, not related to the election, the scheduling
4 meetings that I've described, say it was going to be a healthcare speech, you'd have the
5 comms people there who'd have an idea. I mean, it was more than just purely logistical.

6 Q I see. Okay. Were -- was Dan Scavino and his sort of digital team ever
7 play a similar role, sort of consultation about scheduling or speeches or messaging?

8 A I think at those meetings someone from digital would generally be there.

9 Q Okay. And just talk generally, if you could, about what digital -- what that
10 digital operation was like. What did they do, what were they generally responsible for?

11 A The digital team, they were responsible for the White House website. I
12 mean, video, social media, that type of thing.

13 Q I see. So they were the ones responsible for social media for the
14 President's Twitter account, the official White House Twitter account, those kinds of
15 things?

16 A The President's Twitter, I don't know exactly the details of what digital's
17 office -- the digital office and all the people working there were involved in that. But,
18 yeah, I think you'd have to ask them for the details in that regard.

19 Q Okay. And then did the President's or other White House Twitter accounts
20 ever make up sort of part of the basis of research that informed speeches? In other
21 words, hey, it's been tweeted, so it's therefore a fact I can include in a speech, or you
22 would look to include in a speech? Was that part of your calculus when you were
23 drafting or reviewing things?

24 A Speechwriting was certainly aware of the President's tweets, yeah.

25 Q And just, Mr. Worthington, for example, if something had been tweeted or

1 had been posted in the President's or an official Twitter account, was that a sufficient
2 basis for you to include it in a speech, or would that also need to get some separate
3 factual review?

4 A If the President tweeted something, that was an indication to us that that
5 was something that was on his mind or that he wanted to get out there.

6 I can't speak as a general matter whether -- I mean, as a general matter, we would
7 separately fact-check everything that was in a speech once it was written, once we had a
8 full draft.

9 Q Yeah, and I appreciate that. I'm just trying to clarify whether the
10 fact-checking would stop at the verification being the President tweeted it or whether
11 there would be an underlying evaluation of whether it was accurate even if it had been
12 tweeted.

13 A I can't speak to that as a general matter. I mean, the fact-checkers, of
14 course, would know more about any particular decision. But, yeah, I think they would
15 always try to determine whether something is defensible.

16 Q How about the chief of staff's office, did you have any contact with them,
17 with Mr. Meadows, or anybody that worked for him?

18 A We would occasionally, yeah, have contact with Meadows and people in his
19 office.

20 Q Did he ever review speeches, get involved in evaluating messaging or the
21 accuracy of things in speeches?

22 A As a general matter, the chief of staff was on the circulations. We would
23 sometimes speak to him for input if there was a particular reason to, but we tried not to
24 bother him unnecessarily.

25 Q Fair to say that all of these various components we've discussed -- press,

1 communications, speechwriting -- all ultimately reported up to the chief of staff? He
2 was sort of in charge of all of these various intra-White House components?

3 A I don't know if I could speak to that as a general matter. That's sort of my
4 understanding of what the role of the chief of staff is, but I don't have really much beyond
5 that.

6 Q Well, just what was your understanding as to sort of -- you said you reported
7 to Mr. Miller. Who did he report to?

8 A I thought it was -- yeah, Miller reported to the chief of staff and the
9 President.

10 Q Okay. And then lastly, you mentioned that you got advice from the White
11 House counsel about the permissible boundaries of the Hatch Act, is that right, was the
12 White House counsel's office your source of information about those regulations?

13 A Yes, we had advice from the White House counsel about the Hatch Act.

14 Q Okay. And how did that -- what form did that take? Was that just sort of
15 a training when you were onboarded, or was that sort of an ongoing consultation, hey,
16 can I do this, or, I've been asked to do that? How did that work?

17 A I believe there was a briefing early on, but then as needed we would ask
18 them questions.

19 Q Okay. So there was a process by which, Mr. Worthington, you could raise a
20 question if it arose, a fact-specific question, and get advice from somebody in the White
21 House counsel's office?

22 A Yes. We could solicit input from the White House counsel's office. And,
23 in addition, they were on every circulation of every speech.

24 Q Yeah. I guess I'm just -- [REDACTED] again, is going to get into the -- sort of
25 the campaign or post-election period.

1 Were there times when you went to the White House counsel with a specific
2 request, or you had an issue arise about something political and needed their advice?

3 A As I recall, our questions to the White House counsel were generally more
4 process-oriented.

5 Q What do you mean process-oriented?

6 A Just about using our personal computers and things like that would be the
7 type of question we would try to check with them.

8 Q Okay. Were there other lines you needed to draw when you were working
9 on political speeches, as opposed to official speeches, other than the use of a personal
10 device, like time spent, hours of the day, anything like that?

11 A I don't recall anything in particular, aside -- for commissioned officers -- aside
12 from trying to not use -- to minimize the use of government resources, except when really
13 necessary for -- in order to support the President in his capacity.

14 Q Yeah. Okay. So generally, the only thing you would do differently, if it
15 was a political speech, would be the use of your personal email or device? There were
16 no other ways in which you differentiated that work?

17 A I would say I thought of political speeches as political.

18 Q How did that manifest in terms of how you approached your work on that
19 particular speech if it was political? Is it just the same as every other, or were there
20 other things you did differently?

21 A I don't know. I think generally the process for doing a political speech was
22 similar in terms of, like, writing a speech.

23 Q So you could write a political speech at 10 in the morning from your desk in
24 the White House? You could do anything you needed to do for a political speech other
25 than not use a White House device?

1 A I don't remember specific instructions in terms of the time of day. But,
2 yeah, just in general, what I remember doing was using my personal device. I think I
3 would even generally use my personal hotspot. Sometimes -- often I would do it at
4 home or at night. But there would be times when Vince and I would be together at the
5 office.

6 Q I see. Okay. And, Mr. Worthington, did you have, like, two computers in
7 your office, like, your White House computer on one side of your desk and your personal
8 computer on the other? Or were you using the same actual machine, just different
9 accounts, right, like email or -- accounts?

10 A No. I didn't have -- I had my personal laptop, which I would only generally
11 bring in if I needed it for some particular reason.

12 But as a general matter, I wasn't generally working on political speeches on work
13 computers, again, unless at the last minute.

14 Q Yeah. Okay.

15 [REDACTED] All right. That's all I have. I know [REDACTED] going to get into
16 more of the post-election stuff.

17 [REDACTED] I'll just cover the document issue, Mr. Worthington. And we're
18 running up on having gone 40 minutes, so maybe when I'm done we take a break and
19 then we'll start with [REDACTED] How about that? Okay?

20 Mr. Burlingame. Sounds good.

21 [REDACTED] But thanks for working through this with us.

22 BY [REDACTED]

23 Q And so as [REDACTED] was talking about -- and I'll preface this by saying,
24 John, as a team of experts, we've interfaced with them, they're all -- they're great. So
25 I'm not going to ask you technical questions about the document collection but just about

1 your process and making sure that the things were searched that needed to be.

2 Was your, the laptop you talked about, did you make sure that that could be
3 searched for anything responsive to the subpoena?

4 A Are you talking about my personal laptop?

5 Q Yes. Yes.

6 A That laptop actually -- my personal laptop died sometime last spring, and I
7 gave it to them. But it was a Chromebook, so everything was on the cloud.

8 Q Understood. Okay. And so it sounds, like, then, what was on the cloud
9 available in your Google account was able to be searched by your attorneys? You
10 provided it to them so they could look for responsive documents?

11 A My understanding is that everything on the cloud was, yeah, available.

12 Q Okay. And we've seen a Gmail account that you have. Was that the
13 personal email account you would use, through Gmail?

14 A My personal account is a Gmail account.

15 Q And then also cell phone, just ending in the last four digits of [REDACTED], is that
16 right?

17 A Yes.

18 Q And it sounds -- from what we've seen, it looks like your lawyers were also
19 provided with your phone to search for anything responsive within it?

20 A My lawyers had my phone.

21 Q Okay.

22 A Yes.

23 Q There's reference in I think at least one of your text messages, as is normal
24 for folks we've talked to, to the use of the app Signal, at least on occasion. Is Signal
25 something you would use back in November of 2020 through January of 2021 that you

1 can recall?

2 A Occasionally I would communicate with people on Signal.

3 Q Do you continue to have messages on your Signal app from back in that
4 timeframe, just as a general matter, or do you have it so that they disappear after a set
5 amount of time?

6 A I turned over the devices to the lawyers. So anything that was on there
7 that would be responsive, including on Signal, would have been turned over.

8 Q Okay. Thank you.

9 Mr. Burlingame. And, [REDACTED] let me just state that when he turned it over to his
10 lawyers, we turned off the automatic-delete function at that moment.

11 [REDACTED] Okay. Understood.

12 BY [REDACTED]

13 Q All right. And then appreciating that, and just so the record's clear, were
14 there any other messaging applications you used, Mr. Worthington, that you can think of
15 that would have been on your phone other than the text or the Signal app?

16 A I don't think there were any other messaging applications that I can think of.

17 Q Fair enough.

18 A Facebook Messenger would be installed on my phone, but I don't
19 communicate with Facebook Messenger as a general matter.

20 Q Okay. So there are a few hard-copy documents that you provided. And
21 so just where -- did you keep those at home in a personal file and you just searched
22 through those to give them to your attorneys?

23 A The hard-copy documents were in a box at my mother's house.

24 Q And because -- you have great handwriting, but still a little bit hard for us to
25 go through, and they're undated. And so we had asked John in advance of this morning

1 if you could just take a look at ones that we've marked. And we'll go through those not
2 to get into substance, but just to help us, tell us what it refers to so that it can inform our
3 questions as we go on, if at all. Okay?

4 And so I'll direct your attention first to exhibit 11, which starts at the Bates
5 number 2243. And if we can show it on the screen.

6 [REDACTED] Now, do you have a hard copy, John, with Mr. Worthington there?

7 Mr. Burlingame. I do.

8 [REDACTED]

9 Q Okay. So I think they were produced to us in, maybe, 2-page sets. And so
10 I don't -- Mr. Worthington, was this just one notebook and you were taking pages out, or
11 did you have loose-leaf pages in the box at your mom's house?

12 A I believe almost everything that was produced that was a hard copy was
13 from one, yeah, notebook.

14 Q Okay. And so presumably it would go in chronological order as you
15 progressed through the notebook, as a general matter?

16 A Yes. As a general matter, I would say I would, yeah, turn onto the next
17 page.

18 Q Right. An old trick of the speechwriters.

19 We're going to go through them in order of the Bates number. So this is what
20 was produced to us. I don't know if they're in chronological order. If you could just
21 help us understand.

22 A Okay.

23 Q So the first one we're looking at, exhibit 11, again, is 2243. It's a front and
24 a back of the page. Can you tell us what this generally is relating to? I imagine you had
25 seen these before, and that's why they were turned over as responsive.

1 A I believe these are notes relating to the Georgia rally.

2 Q And is that the one the night of January 4th of 2021, before the runoff
3 election?

4 Mr. Burlingame. I'm sorry. What date did you say, 
5 

6 Q I know there was a rally January 4th of 2021 in the evening, and that was the
7 night before the runoff on January 5th.

8 A There were two Georgia rallies, and I don't know from looking at this, but my
9 guess, if I had to guess, is that it's the first one.

10 Q Okay. And if you turn over to just the second page, 2244, does it look like
11 this all relates to, whichever of the rallies, it continues to be about Georgia onto the next
12 page, as best you can tell?

13 A This all looks like it's about Georgia to me.

14 Q And was it part of your standard process to do handwritten notes like this, to
15 outline or otherwise put your thoughts down on paper, or would it depend on the
16 speech?

17 A It would depend on the speech what type of notes I would take.

18 Q You mean whether you would do it in longhand, in writing, or whether you
19 would do it on the computer?

20 A I didn't generally write out a speech in longhand and paper, no.

21 Q But would you draft an outline in longhand on paper before you started
22 typing?

23 A Occasionally I would do that.

24 Q Okay. And we'll turn to the next one, which is exhibit 12. It will be on the
25 screen, but if you have it there, it's --

1

[REDACTED] I'm sorry, [REDACTED]

2

[REDACTED] Go ahead.

3

4

5

[REDACTED] Just to be clear, are these notes, Mr. Worthington, that you took as you were preparing the speech or notes that you took as you were listening to the speech that was ultimately delivered at that Georgia rally?

6

7

The Witness. These would have been notes, I believe, from discussions preparing the speech.

8

[REDACTED] I see. Okay. Thanks.

9

BY [REDACTED]

10

Q And to exhibit 12, it starts with Bates number 2245. Again, it's a front and

11

a back, and the back page has material redacted.

12

Do you know what this relates to?

13

A This also looks like it's related to one of the Georgia rallies.

14

Q Okay. Fair enough. And on the back page as well, from what you can

15

tell?

16

A I don't know the answer to that.

17

Q Okay. Then moving to exhibit 13, starts at Bates number 2247, and it lists,

18

in numbered format, three speeches.

19

Do you know what these notes relate to?

20

A Which? We're talking about 2247 and not 2248? Just 2247?

21

Q Well, I don't know if they continue on. It looks like it's the front and back

22

page. But start on 2247. It looks like you're -- I don't know if you're talking about

23

three speeches that had already been given or --

24

A 2247 looks like it's referring to three speeches that might be upcoming.

25

Q Might be upcoming. Okay. That helps.

1 [REDACTED] And then I would just note at the bottom of that first page, there's a
2 little arrow, bottom right.

3 The Witness. Yes.

4 [REDACTED] Does that suggest to you that the next page was part of the same
5 document?

6 The Witness. Well, I don't know if these two pages were in the notebook
7 chronologically next to each other. But the arrow would often be something that I'd
8 write if we're going to flip over.

9 [REDACTED] I guess I can ask John, do you know that you produced these so that
10 they're in sequential order out of the notebook [inaudible] the Bates number?

11 Mr. Burlingame. We'll have to -- during the break, I'll be happy to confirm that
12 for you. I just don't -- I want to be absolutely certain before I answer that, and I'll go
13 back and double-check, [REDACTED]

14 [REDACTED] Understood.

15 [REDACTED] I think they were produced to us as one document, which is why we
16 were thinking that they go together. But if you can check that, that'd be great.

17 Mr. Burlingame. Be happy to.

1

2

BY [REDACTED]

3

4

5

Q And understand at the top of the next page, it looks to say -- and you tell us if we're wrong -- that it starts with "violence at the capitol"? Do you see that at the top of 2248?

6

A Yes.

7

Q Or "violence in the capitol," I should say.

8

9

Do you know what this is referring to, and when you would have written these notes?

10

11

A The second page looks to me as though -- it's about the farewell address, I believe.

12

13

14

Q In other words, the reference to violence in the Capitol is looking back at what happened -- is a reference to January 6th that you're writing after the fact, not beforehand?

15

16

17

A Yeah. I don't know why they're -- it's possible they're next to each other in the notebook and I just hadn't written anything in the notebook. But the second page looks to me like the farewell address.

18

19

Q Then continuing on to exhibit 14, which we'll flash up, but I think you have there, it starts with 2249.

20

21

Do you know what this is? I mean, I note about a third down, it looks like it says, thank supporters and Secret Service. Is this also about the farewell address likely?

22

A I believe so. I believe it's about the farewell address.

23

Q And same on the second page, if you can look at that, of that same exhibit?

24

25

A I believe these two pages are either about the farewell address or about the goodbye at Andrews on the last day. But most likely the farewell.

1 Q And then, last one of the handwritten notes, exhibit 15, we'll put it on the
2 screen, but hopefully you have there. It starts at Bates number 2742. So it's got a later
3 Bates number, but I don't know if you were talking about a farewell address, is whether
4 this -- if you can tell what this is relating to.

5 A Okay. I believe this document is notes from much closer to the election.

6 Q I do note on the -- what makes you say that, can you tell? Is there anything
7 in particular you're seeing that keys you into that?

8 A Well, for one thing, we weren't talking about these things close to the
9 farewell. But, in particular, I think the reference at the end to talking to Matt Morgan
10 and Justin Clark --

11 Q And that -- understood.

12 [REDACTED] Sorry to interrupt, but I think that is a natural stopping place,
13 because I think that's where [REDACTED] will pick up.

14 So I don't know if in the interim, John, if we take, say, a 10-minute break and come
15 back at 11:10, will that work?

16 Mr. Burlingame. Yeah, that'd work, and I'll try to confirm the order of this for
17 you. Going off the record, [REDACTED] I'd like to just raise something with you if that's okay.

18 [REDACTED] Sure, yeah.

19 We're off the record at 10:57 a.m.

20 [Recess.]

1

2 [11:14 a.m.]

3 [REDACTED] So we'll go back on the record.

4 Welcome back, Mr. Worthington and Mr. Burlingame. I'm going to pass the
5 baton to my colleague [REDACTED]6 Mr. Burlingame. Before we begin, consistent with our discussion right before
7 the break, let me try to clarify a few things with respect to Mr. Worthington's
8 handwritten notes.9 The notes that we produced that were marked as exhibits, those were pages from
10 just a regular notepad, and I'm holding up just a notepad here. The notepads
11 themselves remain intact. In other words, we didn't tear out the pages from the
12 notepad as part of the copying process. So I'm able to put the sequence of these notes
13 in order for you if you would like, [REDACTED]14 [REDACTED] That would be great if you can -- do you just want to do it by Bates
15 number?16 Mr. Burlingame. Or exhibit number. What has been marked as exhibit 15, the
17 beginning Bates number is 02742 --

18 [REDACTED] Yes.

19 Mr. Burlingame. -- and those consist of two and a half pages of handwritten
20 notes. That is the first in order of the notepad.

21 [REDACTED] Okay.

22 Mr. Burlingame. The second in order was marked as exhibit 11, beginning Bates
23 No. 02243, and those are two pages.

24 [REDACTED] Understood.

25 Mr. Burlingame. The next in order was marked as exhibit 12, Bates Nos. 02245

1 and 02246.

2 [REDACTED] Okay.

3 Mr. Burlingame. The next in order is exhibit 13, and that is 02247. 02248 was
4 the next in order. That was a copying error. So Bates No. 02248 is a separate and later
5 entry on the notepad. There should have been produced to you accompanying 02247
6 another page, which I PDF'd to you during the break, [REDACTED]

7 [REDACTED] We just received it, so I'll have my colleague, [REDACTED], we'll print it
8 out so we have it.

9 Mr. Burlingame. Sure.

10 [REDACTED] Is that Bates, or we'll just refer to it as the second page?

11 Mr. Burlingame. I suggest we refer to it as 02247A, if that's okay with you.

12 [REDACTED] Yeah. We'll mark it -- we'll just include it within exhibit 13 as an
13 add-on and note the change on the one page.

14 Mr. Burlingame. Okay. And, again, the copying error was solely and exclusively
15 my fault. I apologize the confusion.

16 [REDACTED] We've all been there. We appreciate the clarification.

17 And then just to round it out, though, John, exhibit 14 which starts 2248, is that
18 next in order?

19 Mr. Burlingame. 2248 would be the next in order on the notepad.

20 [REDACTED] Okay.

21 Mr. Burlingame. And that's just the one page with the top sentence "Violence in
22 the Capitol."

23 [REDACTED] Okay. And then exhibit 14 starts at 2249. I imagine that's then
24 after?

25 Mr. Burlingame. It is, and actually that appears on a separate notepad.

1 [REDACTED] Great. Okay.

2 [REDACTED] Do those notepads have anything that would give you a sense of the
3 dates? So -- okay.

4 Mr. Burlingame. They don't. Mr. Worthington doesn't date his notes. So he's
5 the best source of approximate dates, but there's no date indicator on the notepads.

6 [REDACTED] Understand.

7 Mr. Burlingame. Okay. That's all I have.

8 [REDACTED] Great. Thank you for the clarification.

9 BY [REDACTED]

10 Q So, Mr. Worthington, I want to go back to the fact-checking process. So
11 now we're talking about what you called political speeches, I believe, as opposed to
12 official speeches.

13 For political speeches, can you describe in as much detail as possible the
14 fact-checking process?

15 A I believe, for political speeches, it was similar. It would go through the
16 similar sort of double-blind fact-checking process of having the comms do their
17 independent fact-check and our researcher would do a fact-check.

18 Q Okay, and can you give me names, to the extent you can recall them, so both
19 for the communication people and who your researcher was?

20 Mr. Burlingame. Is this for the entire period, or are we looking at the
21 November-to-January period?

22 [REDACTED] No. Thank you. Let's focus from the election to the inauguration,
23 so November 3, 2020, to January 20, 2021.

24 Mr. Burlingame. Thank you.

25 The Witness. Well, the speech-writing researcher was Will Bock. I don't

1 remember the names of the comms researchers who would have been working on it at
2 that particular time.

3 BY [REDACTED]:

4 Q I didn't notice emails that you produced to the comms department
5 fact-checkers as far as I could tell. So is that something you would have done using your
6 White House email account?

7 A To be clear, I did not send the speeches to the comms fact-checkers. That
8 was done as part of the staff secretary circulation process.

9 Q Okay. I appreciate that.

10 So, with Will Bock, you would have given that directly to Mr. Bock? Is that
11 correct?

12 A I believe in general we would have given Will a copy, yeah.

13 Q And so would that occur before the communications office would have done
14 a fact-check?

15 A It would depend on the speech and the timing of the speech when we give it
16 to Bock, and sometimes it would be simultaneous, and sometimes it would be before,
17 sometimes it would be after.

18 Q And, if it was a political speech, did anybody at the campaign also have a role
19 in fact-checking?

20 A I don't believe there were fact-checkers at the campaign, but it would
21 have -- I didn't send it to the campaign for that purpose.

22 Q Okay. I understand.

23 A Okay.

24 Q Thank you.

25 And if we wanted to get the names of the communications people who did the

1 fact-check, who would we ask?

2 A Whomever -- you would ask, I guess, whoever was White House comms at
3 that point, which -- you could also ask the staff secretary, the staff secretary's office.

4 Q Okay. And would that have been Derek Lyons at the time?

5 A My recollection is that Derek left at some point, maybe in
6 December -- December -- I'm not sure when Derek left.

7 Q Okay.

8 A But he wasn't there the whole post-election period until January 20th.

9 Q And do you recall who took his place?

10 A The -- I don't know if anyone took his place. I believe the more junior
11 people in his office remained on staff.

12 Q Okay. Do you recall somebody that was an acting staff secretary or
13 anything like that?

14 A I do not recall that there was an acting staff secretary. There were people
15 in his office that remained.

16 Q Do you remember their names?

17 A One person who remained in the staff secretary would be Madison Porter.
18 Another would be Shane Harris. I don't remember specifically when everyone departed,
19 but I do remember that Madison was there until the end.

20 Q And so, if a fact-checker in the communications department found
21 something that was either incorrect or couldn't be verified, would that then be reported
22 back to you? And, if so, how?

23 A As a general matter, the comms fact-check would come back to us through
24 the staff secretary circulation, and then we would -- yeah. Yeah, we would send that to
25 our researcher.

1 Q Okay. And do you know how -- and the researcher, again, is Will Bock?

2 Correct?

3 A Will was -- yeah, Will was our researcher at that time.

4 Q And was he the one who did the fact-check for all the political speeches for
5 the time period we're talking about, so from the election to the inauguration?

6 A I don't know if Will did all, but he certainly did many speeches during that
7 period, to the extent that there were speeches at all.

8 Q Yeah. Do you know of anybody else, at least for political speeches, during
9 that time period who was the fact-checker for the speech-writing office?

10 A I can't remember anyone else.

11 Q Okay. And do you know what his process was? So, for example, if there
12 was an allegation of election fraud in a particular State, do you know how either Mr. Bock
13 or the people in the communications department would go about verifying the facts?

14 A I had a great deal of trust in Will. I don't know -- I think it probably varied
15 depending on the fact.

16 Q Okay. Did Mr. Bock or the people in the communications office, as far as
17 you can recall, from the time period of the election to the inauguration, ever come back
18 and say that something that was in a draft speech was either incorrect or not sufficiently
19 supported?

20 A I'm sure there were times that they said that.

21 Q And, as far as you can recall, were there ever times when the fact or the
22 allegation ended up in the speech despite the concern being raised?

23 A I don't recall specific examples of them flagging a fact. There were certain
24 facts that were contested.

25 Q Okay. Explain how that would work. What would happen if a fact was

1 contested?

2 A When I say "contested," I mean contested in general. I don't mean
3 contested by me.

4 Q I understand.

5 A Yeah.

6 Q So, I mean, would that be an example of something that could happen,
7 where Mr. Bock or the people in communications come back and say, "We can't verify
8 this fact because it's a contested fact"?

9 A There would be times when Bock would come back and say, "I don't know
10 what the source is on this," or "We need to change this number," something like that.

11 Q Okay. And if he came back and said, "I don't know what the source is,"
12 what did you do at that point?

13 A We -- if he came back and said, "I don't know what the source is," I mean, it
14 would depend on the fact. Sometimes we had more contacts than he did. Sometimes
15 we would tell him: Look into this again.

16 Q But, going back to my question, can you recall a time ever where either Mr.
17 Bock or the fact-checkers or, say, the communications office raised a concern about a
18 statement in a draft speech, but it ended up staying in the speech?

19 A I don't know.

20 Q Okay. So nothing that you can recall offhand?

21 A If you're asking me if I can recall a specific fact that we inserted despite -- no,
22 I don't recall a specific fact.

23 Q Okay. But do you recall in general that that ever happened, even if you
24 can't recall which specific fact was at issue?

25 A I don't know.

1 Q Okay. So was there ever a time that you can recall where a fact was taken
2 out of a speech because of concerns that it was either inaccurate or not sufficiently
3 supported but where the President ended up making that statement anyway, such as if
4 he ad-libbed?

5 A There were certainly times when the President would ad lib.

6 Q Okay. But do you recall, did he ever ad lib in a way that was inconsistent
7 with what your fact-checkers had found?

8 A I don't have the fact-checks memorized.

9 Q I know. I'm just asking if you can recall it.
10 If the answer is you can't recall that ever happening, that's, you know, a sufficient
11 answer. You can only testify as to what you recall. But do you ever recall watching the
12 President give a speech and having him say something where your reaction was
13 something to the effect of, "Oh, no, we had taken that out because the fact-checker
14 thought it wasn't supported"?

15 A I don't recall any specific instances of that.

16 Q Okay. So I want to try and go through with you some of the documents
17 that have been produced, mostly from you, but a few others that we sent to your counsel
18 that we got from others.

19 And, when I get to emails, I'm going to try and do that roughly chronologically, but
20 I think I'll probably start off with the notes just because we don't have exact dates for
21 those. So I'll probably go through that first. But -- and this is not intended to be a
22 memory test. I'm asking this question only because it might give us a frame of reference
23 or sort of an outline for the chronology that we're going to go through.

24 To the best of your recollection, how many political speeches did you help write
25 for delivery between election day and the inauguration, and what were they?

1 A I believe there was a press conference related to the election relatively soon
2 after the election. I believe there was some type of video speech right before
3 Thanksgiving, or it was taped right before Thanksgiving.

4 Q Okay. Now, there was a video that came out December 2nd. Do you
5 know if that's the same one you're referring to that was taped before Thanksgiving, or
6 was that a separate one?

7 A I believe the video -- the video that was taped before Thanksgiving came out
8 after Thanksgiving.

9 Q So around December 2nd, does that sound correct to you?

10 A That's probably right, yeah.

11 Q Okay.

12 A Okay. There was the first Georgia rally.

13 Q Do you remember roughly when that was?

14 A I don't remember a date, but, you know, that's public information what date
15 the Georgia rally was.

16 Q Yeah. We'll try to find that, but do you think that's after -- are you going,
17 roughly, chronological here? So do you think that was after -- well, after Thanksgiving?

18 A It was after Thanksgiving, I believe, yeah.

19 Q Okay.

20 A I believe he taped some type of video before Christmas that was on the
21 election.

22 Q So there was -- I can represent to you there was a video by the President
23 that was released on December 22nd. Does that sound like the one that you're
24 referring to?

25 A That sounds about right. And then I believe there was the -- there was

1 another Georgia rally.

2 Q Okay. There was one on January 4th. Is that the one you're referring to?

3 A Okay, okay. And then -- and then, yeah, January 6th.

4 Q Okay. And that's the Ellipse speech or the rally or march, whatever you
5 want to call it. Correct?

6 A The January 6th speech, yeah, on the Ellipse.

7 Q Okay. So just distinguishing that from the videotaped statement that the
8 President did later on the 6th.

9 A Okay.

10 Q And were you involved in that videotaped statement, either drafting it or
11 watching it be videotaped, or anything like that?

12 A I wasn't involved in the -- if you're talking about the video that was released
13 on Twitter, I was not involved in that.

14 Q Okay. And then what about after January 6th?

15 A Um --

16 Q So there was another video on the 7th. I don't know. Were you involved
17 in that?

18 A I -- I don't remember specifically. I may have been involved in the video on
19 the 7th, but it doesn't stick out in my memory.

20 Are you talking about political speeches?

21 Q Well, the one on the 7th, December 7th, was discussing what had happened
22 the day before.

23 A Okay.

24 Q So I don't know if that would count as political or official.

25 Mr. Burlingame. Let me just ask, is that one of the videos that you sent over to

1 me, [REDACTED]?

2 [REDACTED] Yes. That's exhibit 19. It's the video on January 7th that was --

3 Mr. Burlingame. I wasn't able to -- I didn't know, but you're representing that
4 that was indeed on January 7th?

5 [REDACTED] Yes, that's when it was.

6 Mr. Burlingame. Okay. I appreciate it.

7 Thank you.

8 BY [REDACTED]:

9 Q Okay. And then I think you referred earlier to a farewell address -- I don't
10 know if that would be official or political- and then an Andrews Air Force Base speech.

11 Did you work on those?

12 A I worked on the farewell address and what was prepared for Andrews.
13 And, yeah, I'm not representing that's a comprehensive list of speeches. There were
14 certainly other remarks in that time period.

15 Q I understand.

16 Okay. And then did you work on something called "Remarks on Healing"? I
17 don't know if that's one of the ones we already referenced.

18 A Yes. I have that document, yeah.

19 Q We can show it. It's exhibit 16 if it helps.

20 Do you remember what that speech was?

21 A My memory is that it was something -- it's what it says, "Remarks on
22 Healing."

23 Q Well, I guess, do you recall when it was delivered, or if it was delivered first?

24 A I don't recall whether it was delivered or not. I mean, you would probably
25 be able to find that out.

1 Q Okay.

2 A I don't have a very specific memory of -- I remember this document, but I
3 don't remember whether it was delivered or not.

4 Q I understand. Okay. Well, that's very helpful overview.

5 I guess just to finish up, you mentioned previously I think a farewell address and
6 Andrews Air Force Base. What was the farewell address and where was that given?

7 A The farewell address was certainly released publicly. That was recorded in
8 the Blue Room shortly -- a few days before the President left office.

9 Q Okay. And then the Andrews Air Force Base I assume was on inauguration
10 day when the President was leaving. Is that correct?

11 A His remarks at Andrews right before he got on the plane, yeah.

12 Q Okay. Thank you.

13 Okay. So, if you can look at exhibit 15, just your handwritten notes.

14 And at the very top -- well, actually, before I go through it, do you recall what
15 these notes are from? In other words, are these notes you took during a meeting, was
16 somebody giving you the information they wanted in the speech, or was this just your
17 own thoughts that you wrote down?

18 A I believe these are notes from talking about the subject with Stephen Miller,
19 and Vince would have been there as well, I believe.

20 Q Do you recall if anybody else was there?

21 A No, I don't think anyone else was there.

22 Q Okay. And so were these largely your thoughts or Mr. Miller's?

23 A I believe these are notes, yeah, from our conversation with Stephen,
24 so -- yeah. Go ahead.

25 Q But do they largely reflect -- like, for example, was he sort of dictating to you

1 what he wanted in there, or was it more brainstorming, or was this more your ideas?

2 A I don't know if I would say dictating, but he was giving thoughts on what he
3 thought should be included in the speech, and I was writing them down.

4 Q And did he say whether those thoughts came from the President?

5 A I don't recall.

6 Q Okay.

7 All right. So, at the very top there, what does that say, that first line?

8 A Speech detailing.

9 Q Okay. And then it looks like it says: Election fraud and irregularities.

10 So what was the purpose of this speech, as you understood it?

11 A My memory is that we had sort of -- we were trying to prepare for various
12 contingencies so that we would be ready if the President wanted to give remarks on the
13 election, that we wouldn't be caught flatfooted.

14 Q And do you recall whether this meeting in which you took the notes was
15 before or after election day?

16 A Oh, this -- these notes would have been from after election day.

17 Q Okay. Do you remember roughly how long after election day?

18 A I don't remember exactly, but not -- I think they would have been certainly
19 within the first couple of weeks after the election.

20 Q Okay. And did you work at all on the President's remarks or even his
21 potential remarks for election night itself?

22 A Yes, I worked on remarks and potential remarks for election night.

23 Q Okay. And what was your role?

24 A In terms of -- I think the first thing I did was prepare a few contingencies
25 before or maybe like early in the evening, or maybe during the day -- I don't even

1 remember exactly the time -- just so that we would have things on hand as a basis and
2 then --

3 Q Go ahead.

4 A Then throughout the evening those were -- I continued to help with
5 whatever he needed.

6 Q And were there -- did you draft different versions for different scenarios,
7 such as win, lose, or maybe contested?

8 A I believe before -- before -- yeah, or early in the evening or before that, I did
9 that, yes. I would have drafted, you know, a very brief victory, very brief concession,
10 and very brief "we don't know what the outcome is tonight."

11 Q Do you know, did the President end up using remarks that you drafted?

12 A I would have to look at the transcript of what he said. I believe that maybe
13 what we gave him were numbers is what I recall him using. I don't know if he used the
14 prepared remarks or not.

15 Q Do you know whether somebody else prepared any remarks for him or was
16 he entirely ad-libbing? What was he doing, as far as you know?

17 A I can't remember. I remember that Stephen and Vince and I helped
18 prepare something at his request, but my memory is there was a lot of ad-libbing.

19 Q And do you remember what his request was?

20 A Specifically he wanted the numbers -- at that point in the evening, shortly
21 before he went up, he wanted the numbers from, like, whenever that night, like midnight.
22 I don't know what time it was, but he wanted the numbers in the States.

23 Q Were you involved in any discussions about what version of the speech he
24 should give? In other words, should he do a concession speech, a victory speech, or
25 we-don't-know-the-outcome-yet type speech?

1 A Was I involved in any discussions? Well, he was asking for the numbers.

2 Q Okay.

3 A Um, yeah, I don't recall -- I don't -- the various versions, to my memory, were
4 never presented to him.

5 Q Okay. I mean, do you recall being involved in any discussions about
6 whether the President should declare a victory on election night?

7 A I was involved in the discussion. I think I was in the background as he was
8 demanding numbers. I don't remember the details of the discussion that was going on.

9 Q Well, so where were you? What room were you in?

10 A To start, I believe I was downstairs in the residence in the basement, and
11 then, at some point, Vince and I went upstairs.

12 Q Upstairs in the residence of the White House?

13 A Yes.

14 Q Okay. To meet with the President?

15 A I wouldn't say to meet with him. We were -- we were there to see -- we
16 were on the top -- in, I guess, the main floor of his living area, and I think we went up
17 there at Stephen's request and -- yeah, it was to help with whatever was needed.

18 Q Okay. And roughly what time was that, do you recall?

19 A I don't recall specifically the time. I think it was after midnight.

20 Q And do you remember what the President said?

21 A I remember that the President wanted the numbers.

22 Q Okay. Do you remember anything else he said?

23 A Um, not a specific quote, no.

24 Q Well, do you remember the general sentiment of what he said?

25 A He -- the general sentiment of what he said? He wanted to -- he -- he felt

1 like, um, he had been up in many States and he wanted the numbers for that is my
2 memory.

3 Q Okay. Did he give any indication of whether he thought he had won or lost
4 the election?

5 A I can't really speak to that. I mean, I --

6 Q Because you don't recall?

7 A Well, I wouldn't want -- I don't know how to interpret what exactly he
8 thought, whether he had won or not.

9 Q No, I understand you can't get into his head. But to the best of your
10 recollection, did he say anything about whether he had won or lost?

11 A He thought he was up in the numbers is my recollection.

12 Q Who else was in the room?

13 A Um, well, to be very clear, I think that -- I may have been in the room at first,
14 but then I went outside in the hallway because he had asked for numbers. We were
15 trying to look them up. I think also with me in the hallway was Vince. In the room
16 with him I believe -- with the President?

17 Q Yes.

18 A I believe Justin Clark, maybe Jason Miller, campaign people, I believe
19 Stepien. Stephen I believe was there at some point. Jared I believe was there at some
20 point.

21 Q So I may have asked you this already, but do you know who was involved, if
22 anyone, in writing the President's remarks that he ultimately gave that night?

23 A Well, I believe -- my memory is that we prepared a -- that Vince, Stephen,
24 and I prepared, like, a very short document of some type but that ultimately he was
25 interested in the numbers. And I don't remember whether he ultimately gave or read

1 that one page. My memory is that he ad-libbed much of it and that he was handed a
2 sheet of numbers.

3 Q Do you recall what that one page that you helped prepare said?

4 A My memory is it was something like, um, you know, we were way up, we
5 were way up in the numbers, and then they started slipping, or something like that that
6 he had said.

7 Q Okay. Does anybody want to ask anybody else about that evening?

8 Okay. So let's go back to exhibit 15, which I think you were saying were your
9 notes from a meeting that you had in the couple of weeks after the election.

10 Do you recall, were these notes then ever incorporated or used for a speech that
11 the President actually ended up giving?

12 A Well, my memory is that we constantly tried to have something ready for
13 him in the event that he wanted to go out and speak about it, and that that was sort of a
14 continuous evolving thing.

15 Q Okay. If you look on sort of the bottom half of the first page of this
16 document, there's reference to ballot harvesting.

17 Do you remember what was discussed about ballot harvesting?

18 A Oh, I see. I don't remember specifically what was discussed about ballot
19 harvesting.

20 Q Okay. And the next one obviously says: Outright fraud.

21 Do you remember what was discussed about that? And there's some
22 explanation there which may help refresh your recollection.

23 A Um, my memory is that these -- this is sort of a catalog of just different types
24 of concerns.

25 Q Okay. Do you know what the source was for the concern that there was

1 outright fraud?

2 A Well, these are notes from a conversation -- I remember that Stephen was
3 just ticking off different types of examples that we wanted to have on hand.

4 Q Okay. So your recollection is that Mr. Miller said one of the concerns to be
5 included is outright fraud?

6 A I believe -- yeah, I believe so.

7 Q Okay. Do you recall whether he stated what his source was for believing
8 there was outright fraud?

9 A I don't recall.

10 Q Okay. And then same questions a little bit later there, a couple of lines
11 down it says: Fake Social Security -- I think it says.

12 A Yeah.

13 Q Was that also something Mr. Miller said?

14 A I believe that would have been something that Stephen said.

15 Q Okay. But, again, you don't recall him saying what his source was for that
16 information?

17 A No, I don't recall.

18 Q Okay. If you look at the top of the next page, can you read those first two
19 lines for us?

20 A "We mailed out tens of millions of" -- oh, no -- "tens of millions without even
21 knowing if they could vote."

22 Q Is that something Mr. Miller said?

23 A I don't recall specifically, but that -- these are my notes from that
24 conversation.

25 Q And then in the middle of that page there's a heading "Specific Examples of

1 Fraud."

2 So the first line under that is "dead." I'm guessing that refers to dead people
3 voting. Is that your recollection?

4 A Um --

5 Q Or, to be more precise, ballots being cast in the names of people who are
6 dead?

7 A I suppose that's probably what that's a reference to.

8 Q Okay.

9 A I --

10 Q And then it says -- and, again, that would have come from Mr. Miller, as far
11 as you can recall?

12 A These are my notes from that conversation, yeah.

13 Q And then it says: Fact patterns for all contested States.
14 Do you recall what that means?

15 A I believe the idea was just to get the list of different facts in the States that
16 the campaign was contesting.

17 Q Okay. Does this line, though, mean that either Mr. Miller or somebody else
18 was saying that the same fact pattern applied to all contested States?

19 A I don't believe that that's what that means, no.

20 Q Okay. So it was your understanding that it was more a note to get the fact
21 pattern from the contested States?

22 A I believe what it means is that he wanted to lay out a fact pattern for all of
23 the contested States.

24 Q Okay. And do you know how that fact pattern was identified?

25 A Well, I believe in this conversation we discussed asking the campaign for

1 their information in order to have the best argument for all of the States the campaign
2 was contesting.

3 Q Okay. And did somebody ask the campaign for the information?

4 A I believe that Stephen asked the campaign for information and that Vince
5 and I followed up on that request.

6 Q Okay. Do you recall who you followed up with?

7 A I think we would have asked -- in terms of the argument from the campaign,
8 we probably would have asked and did ask Jason and possibly Justin Clark and some other
9 people who associated with them.

10 Q Okay. And then, just so I make sure I'm reading this correctly, below that it
11 says: Specific allegations of fraud, irregularities, and constitutional violation -- or
12 violations. I can't tell.

13 Next looks like: Large numbers of registered voters are wrongfully registered,
14 people who have moved.

15 Is that correct?

16 A I believe it says: People who have moved.

17 Q Okay. And what does the next line say?

18 A Well, the first word is "live."

19 Q The next looks like it says: Ballots. But I don't want to put words in your
20 mouth.

21 A That seems possible. I'm not sure.

22 Q Do you know what that means, live ballots?

23 A I assume it just means ballots.

24 Q Okay. But do you know what it's a reference to, what -- this is under the
25 heading "Specific Examples of Fraud." Do you know what the fraud example is that live

1 ballots would refer to?

2 A I don't specifically remember.

3 Q All right. At the bottom of that page, what does that last line say at the
4 bottom of that page?

5 A I believe that says: Civic ritual, faith in elections.

6 Q Okay. And then the next page, it looks like it says: Talk to lawyer, Matt
7 Morgan, and Justin Clark. Do you recall if those are the people -- if those are the people
8 that you talked to about examples of fraud?

9 A I believe those were the people that -- Matt Morgan and Justin Clark, we
10 connected with them by email, possibly by phone and asked for the campaign's facts.

11 Q Okay. And then do you recall, was this information ever written up and
12 shared with the President in any way?

13 A Was what information ever written up?

14 Q The information reflected in your notes from the meeting.

15 A Is the question, did I type up my notes and share them with the President?

16 Q No, I'm not asking that. I'm asking whether the information that you had in
17 your notes was ultimately used in any document that went to a draft, whether it's a draft
18 of a speech or, you know, notes, background paper for his press conference, or anything
19 like that.

20 A Well, as I said, I believe these are notes of trying to have a draft on hand and
21 that that draft was continuously evolving and that eventually -- I don't remember all of
22 the revisions, but that it would have formed part of the basis of whenever he asked to
23 give a speech.

24 Q Okay. But do you recall which speech this ended up ultimately forming the
25 basis of?

1 A Um, well, again, this was -- this was to be the basis of a contingency draft
2 that we would have on hand.

3 Q Right. But was that draft ever used?

4 A Um, was it ever used? Um, I believe that that draft formed the basis of
5 whenever he went out and did his first press conference, but I don't know if it -- how
6 similar those documents were.

7 Q I understand. Thank you.

8 [REDACTED] All right. Does anybody have a question on that document?

9 Okay. So let's look at exhibit 11.

10 Mr. Burlingame. Before we go to another exhibit, just raising a question about
11 the next break. I don't know if you want to take a break in the middle of an exhibit.
12 We're happy to go for a little bit longer, but at the pace this is going, I expect we're going
13 to want to break before you finish up with the next exhibit, so you're call.

14 [REDACTED] It's really up to you. I'm happy to keep going, but if you would like
15 a break --

16 [REDACTED] Why don't we -- I think we came back on the record at 12:15, and
17 maybe we get through this exhibit and maybe more, and then we can talk next steps. Is
18 that fair?

19 Mr. Burlingame. That's fine. We're happy to keep going for a little bit.

20 [REDACTED] Yeah. And for some of these documents, they won't take all that
21 long.

22 BY [REDACTED]:

23 Q So, for exhibit 11, I think you said earlier, related to, I believe you said the
24 first of two Georgia rallies?

25 A I believe so.

1 Q And, yeah, [REDACTED] who's here with me, looked it up and saw that there
2 was a Georgia rally on December 5th.

3 What does it say at the very top?

4 A I believe that says: Existential doom.

5 Q Existential doom. So these notes, are these also notes from a meeting the
6 way the previous ones were?

7 A I believe these are notes from a meeting.

8 Q Do you recall who was in the meeting?

9 A It would have been me, Vince, Stephen Miller.

10 Q Okay. And what does the reference to "existential doom" mean?

11 A I believe "existential doom" is referring to what would happen if the
12 Democrats took over the Senate.

13 Q Okay. So, as far as you can recall, that does not refer to the 2020
14 Presidential election but refers to, as you just said, if the Democrats won the Senate?

15 A My memory is that it refers to, yeah, them winning the Senate or stakes of
16 the Senate race -- or races.

17 [REDACTED] Okay. Does anybody else -- I don't have any other questions on this
18 document. Does anybody else?

19 Okay. We got through a document there. Should we try for 12 and see if it
20 goes as quickly?

21 Mr. Burlingame. Yeah. If you keep that pace, we'll keep going. Thank you.

22 [REDACTED] Okay.

23 BY [REDACTED]:

24 Q Let's look at exhibit 12, and same question. Are these notes from a
25 meeting?

1 A I believe this document would be notes from a meeting.

2 Q Okay. And do you remember who that was with?

3 A Me -- the meeting would have been me, Vince, and Stephen.

4 Q And can you tell from these notes whether this was from the first Georgia
5 rally, which we think was December 5th, or the second one which was January 4th?

6 A I don't know that I can tell.

7 Q I understand.

8 So, over on the right, it looks like it says, in what you can see there on the screen,
9 something about election fraud, and I can't read the rest of it, or maybe it says "framed";
10 I'm not sure.

11 A It could say "fraud"; it could say "framed." I'm not sure.

12 Q Okay. Do you remember what that refers to? And what does it say after
13 that?

14 A I don't know. It looks like: At some way. But I don't know what that
15 means.

16 Q All right. And then, later on the page there's a box, and it says: Last line
17 of defense. Does that refer to the Senate as being the last line of defense, or does that
18 in some way reference the 2020 Presidential election?

19 A I believe that's a reference to the Georgia Senate seats.

20 Q And then, over on the left in the margin, does that say, "Channel anger"?

21 A I believe that's what it says.

22 Q Okay. And what does that mean?

23 A I don't remember specifically.

24 Q Do you remember generally?

25 A I mean, looking at it now, I believe it means channeling people's anger about

1 the election as related to the Georgia Senate seats.

2 Q Okay. Does that mean channel people's anger over the Presidential
3 election as a way to motivate people to vote Republican in the Georgia runoff?

4 A Um, I believe it means channeling anger about the election into the crowd,
5 into the Georgia Senate races.

6 Q Okay. And do you think that was something that Stephen Miller was
7 requesting?

8 A I believe that would have been -- I think it's probably a general phrase that
9 he uttered.

10 Q Okay. "He" being Stephen Miller?

11 A Correct.

12 Q Okay. If you look at the next page, what's that first word there?

13 A Um, I'm not sure. It could be "citation," but I'm not sure.

14 Q All right. Do you recall what that refers to?

15 A No, I don't recall.

16 Q Okay. Then it says -- looks like "statistical anomalies" --

17 A Yes.

18 Q Do you know what that refers to?

19 A That refers to -- the statistical anomalies are things, like, out of 18 of 19
20 bellwether districts, bellwether counties, that type of thing.

21 Q I understand.

22 And what is the next thing you have written there?

23 A I believe that says: Compelling anecdotes.

24 Q All right. And then, under the next line, "PA," which I assume is for
25 Pennsylvania, you've got something written under that. What is that? Does that say

1 "equal protection"?

2 A I don't know. It could be "equal protection," but I don't know.

3 Q Okay. And then "WI," I assume is Wisconsin. Do you know what it says
4 under that?

5 A I'm not sure.

6 Q My best guess was "Constitution," but it's not my handwriting, so I don't
7 want to attribute anything to you.

8 A That looks plausible, although I'm not sure.

9 Q And then "GA" I assume is Georgia. And what does it say after that?

10 A Looks like "case" -- I'm not sure.

11 Q All right. And then the next line starts with, looks like "20K" and then a
12 bunch of numbers, 8, 12, 16. And then what does it say after that?

13 A I believe this -- this is "did," probably with "vote," it looks like. I believe
14 that was referring to 2008, 2012, 2016.

15 Q Ah. And what about the --

16 A My memory is that there were a lot of people -- the idea was that there
17 were people who voted in 2020 that didn't vote in any of those years.

18 [REDACTED] I see. All right.

19 Does anybody have any other questions on that document?

20 [REDACTED] Yeah.

21 BY [REDACTED]:

22 Q If you could just go to the previous page to the part where you reference
23 "steal the White House" and "steal the Senate."

24 Mr. Worthington, do you remember who raised --

25 Farther -- no, no. Farther down.

1 A Yeah, I see it.

2 Q I'm just curious about the words: They have been trying to steal the White
3 House. Don't let them steal the Senate.

4 Do you remember any discussion in that meeting or otherwise about the use of
5 the word "steal"?

6 A I believe this would have been a line that Stephen was suggesting for the
7 speech.

8 Q Okay. Again, was there ever any strategy discussions that you recall about
9 whether that word "steal," "stop the steal," "steal the White House," any manifestation
10 of "steal" was or was not the right message or appropriate message for the President to
11 use in speeches?

12 A I don't recall a discussion on that.

13 Q Was this one of those claims that needed to go through a fact-checking
14 process, a verification process, that the election was stolen and they're trying to steal the
15 White House?

16 A The whole speech would generally be fact-checked, but not everything in the
17 speech is a fact that's checkable. Some things are --

18 Q I appreciate that. The whole speech went through a fact-checking process.
19 Do you ever remember any discussion about whether or not there was any
20 checking of that fact, the allegation that the election was stolen or that they are trying to
21 steal the White House?

22 A I don't remember that, no.

23 Q All right. I mean, the President used that word repeatedly in lots of
24 speeches, and it sounds like you're saying you don't recall any discussion of whether that
25 was or wasn't a verifiable claim or a claim that research could justify?

1 A I certainly recall discussions about the integrity of the election, but as it
2 relates to using the specific word "steal," I don't recall a specific discussion of that.

3 Q Okay. Well, we've had testimony from other witnesses in this case that
4 they purposely avoided the use of the term "steal" or "stop the steal" because of
5 concerns about its reliability.

6 Do you ever remember any discussion along those lines with Mr. Miller, Mr. Haley,
7 or anybody in the speech-writing apparatus?

8 A I don't remember a specific discussion about the use of the word "steal."

9 Q Do you remember putting that word into speech drafts that you composed
10 for the President from this meeting and going forward?

11 A I believe this line is in the -- was in the Georgia speech.

12 Q Exactly.

13 So, again, it sounds like you used notes of this conversation with Mr. Miller and
14 used some of these actual words in the speech itself?

15 A Yeah. The purpose of the meeting was to discuss content of the speech.

16 Q Right. I understand.

17 But did all of these words get into the speech, or was this just sort of your notes of
18 things that you might include when you subsequently actually composed the speech?

19 Mr. Burlingame. Object to the breadth of the question.

20 Go ahead and answer.

21 The Witness. I -- in general, we tried to put in the speech the things that
22 Stephen asked for.

23 [REDACTED] Okay. And, again, I won't belabor it. There was -- steal was
24 something -- this particular line appeared without any at least effort you're aware of to
25 fact-check or to verify whether that was a claim that could be supported?

1 The Witness. I don't remember anything about the fact-check of that line.

2 [REDACTED] Okay. Thank you.

3 [REDACTED] Okay. Are you all for another one or do you want to take a break?

4 Mr. Burlingame. Let's go ahead and take a break.

5 [REDACTED] Okay. Ten minutes?

6 Mr. Burlingame. Sure.

7 [REDACTED] Or did you want a longer lunch break --

8 [REDACTED] would you rather --

9 Mr. Burlingame. -- off the record.

10 [REDACTED] Well, we might as well say what we're going to do now. Would
11 you prefer to take a break for lunch now or come back for another round of questions
12 and shoot for, say, a 1:15 lunch break --

13 Mr. Burlingame. Let's come back for another round, and we'll shoot for, you
14 know, 1:15ish, maybe a little bit beforehand.

15 [REDACTED] All right. Sounds good. We'll come back in 5 minutes, 12:17.
16 We'll see you then.

17 We'll go off the record.

18 [Recess.]

1

2 [12:24 p.m.]

3 [REDACTED] And we'll go back on the record. And I'll just note for the record
4 that Congressman Aguilar has joined us.

5

BY [REDACTED]

6 Q So, Mr. Worthington, if you could turn your attention to exhibit 13. And
7 you said earlier, I believe, that this refers to three upcoming speeches.

8 Are you able to tell from the notes what speeches were upcoming roughly when
9 you would have written these notes?

10 A I believe this is referring -- this is sometime shortly before Christmas.

11 Q Got it. And was this -- were these notes from a meeting?

12 A These are notes from discussing three upcoming speeches with Stephen.

13 Q Okay. And anybody else?

14 A Vince.

15 Q Okay. So the third of these, looks like it says, "3) Election Hoax."

16 So what was the purpose of that speech, as you understood it?

17 A My understanding was that the President wanted to give an update on the
18 election before Christmas.

19 Q Okay. And do you know if that ultimately became video that I think he
20 released on December 22nd? Does that sound roughly correct?

21 A It sounds -- that would be the video, I believe, with the election update.

22 Q Okay. So the first arrow, looks like it says, "Shortly after midnight, Trump
23 was leading, then everything started to disappear."

24 Can you explain the significance of that? Because hadn't it been widely reported
25 in the media that in certain States the absentee or mail-in ballots were counted after the

1 in-person ballots and that those votes tended to be overwhelmingly for Vice President
2 Biden, because President Trump had been so critical of mail-in voting?

3 A Are you asking if this refers to that phenomenon?

4 Q Well, I guess I'm asking, did anybody, in connection with this statement here,
5 during your meeting, did anybody speak up and point out that the reason why shortly
6 after midnight Trump was ahead but that he ended up -- everything started to disappear,
7 that that could be because in certain States absentee or mail-in ballots were counted
8 later?

9 A I don't recall discussing that.

10 Q Okay. At any point during the fact-checking of any of the President's
11 speeches or videotapes or comments did anybody point that out, as far as you can recall?

12 A I remember being aware that it was contested, but that people had
13 explanations for it.

14 Q What were the explanations for it?

15 A Well, I believe one of them was something like you just described, but I'm
16 not sure that this referred exclusively to that phenomenon.

17 Q Okay. The next arrow says, "Black voters in blue cities in purple States."
18 Did I read that correctly?

19 A I believe so.

20 Q Okay. What does that refer to?

21 A I believe it refers to the idea that there was high turnout among Black voters,
22 particularly in blue cities in purple States.

23 Q Okay. And then how does that relate to what I understand from your notes
24 was supposed to be the purpose of the speech, which was election hoax? Why would
25 Black voters having high turnouts in blue cities in purple States be evidence of election

1 hoax?

2 A I believe the idea was that it was only in -- among blue cities in purple States.

3 Q Okay. Do you know if that ended up getting into any of the President's
4 speeches?

5 A I don't recall in particular.

6 Q Okay. The next line, the next arrow, what does it say after that?

7 A "We won it and we won it by a lot, and people have to know this."

8 Q Okay. Do you know what the basis is for that assertion?

9 A I don't recall.

10 Q Okay. The next -- what does the next line say or the next arrow after that?
11 What does it say after the next arrow?

12 A "Try 2, a tighter version than we did last time."

13 Q Do you know what that means?

14 A I believe it means he wanted to do similar to the speech before
15 Thanksgiving, but tighter.

16 Q Okay. What is "try 2"? It's got the number 2, but is that just an
17 abbreviation for --

18 A I interpret this as meaning a second version of basically the same type of
19 speech.

20 Q Okay. What does it say after the next arrow?

21 A "Clearly, I am going to give you facts. You need to know every point. Stay
22 focused on the larger stuff."

23 Q Okay. And then the top of the next page, what does that say?

24 Mr. Burlingame. So we're on -- this goes back to the clarification I made earlier.

25 So the second page should actually be what I emailed to [REDACTED] earlier today.

1 [REDACTED] That's exactly correct. Is there a way we need to refer to that for
2 the record?

3 [REDACTED] Yeah. For the record, we referred to it as, at John's suggestion,
4 Bates number 2247-A. So it's part of exhibit 13, but that's how we'll refer to the Bates
5 number.

6 [REDACTED] Great.

7 BY [REDACTED]:

8 Q Okay. So that page, which you sent us, so at the beginning it looks like you
9 said, "This is a larger systemic" something.

10 A I believe it says, "This is a larger systemic points." That's what I read.

11 Q And then it's got a reference to Hunter, who I assume is Hunter Biden, Big
12 Tech. And then what does it say after that?

13 A I believe it says, "similar tone and flow to Hannity opening monologue."

14 Q Okay. All right. I'm going to skip ahead a little bit here. So if you see
15 where there's a dash or something that says "bullet points," and then a little, I'll call it a
16 sub arrow, pointing to the right.

17 Looks like it says, "They are trying to get forensic audit in," looks like Arizona,
18 Wisconsin, and then I don't know if it says "ruling," and then, "dash, State legislature."

19 Do you know what the reference to the State legislature is there?

20 A I don't remember specifically. It sounds like either a ruling of the
21 Wisconsin State Legislature or something related to Arizona. I don't remember other
22 than that.

23 Q Okay. Do you recall, was this that they were -- somebody was trying to get
24 the State legislature to order a forensic audit?

25 A I don't remember.

1 Q Okay. Do you recall whether this is any effort to get a State legislature to
2 send a different slate of electors than what the Governor had certified?

3 A I don't remember.

4 Q Okay. On the left in the margin it says Clark. Is that a reference to Justin
5 Clark?

6 A I believe that would be Justin Clark.

7 Q Okay. Matt Morgan. Rudy, I assume, is Rudy Giuliani. And then Jenna, I
8 assume, is that Jenna Ellis?

9 A I believe so.

10 Q Do you remember why you wrote down their names?

11 A I believe we were supposed to talk to them to find out, you know, to get the
12 information from the campaign.

13 Q Okay. And then you've got a line and below that it says, "Patrick, dash,
14 keep pushing on Cotton's offices," or "office," I think.

15 A This was unrelated to the speech and unrelated to the election.

16 Q Okay. Okay. So the very last line there, what does that last line say?

17 A I think it says, "Email COS," chief of staff, "on an introductory basis."

18 Q Oh, basis. Okay. Thank you.

19 All right. Any other questions on that document?

20 Voice. No.

21 BY [REDACTED]:

22 Q Okay. So now I'm going to ask you about what is also contained in exhibit
23 13, but as your counsel explained earlier, there's a chronological break.

24 So this is the one, Bates number ending in 2248. Looks like the first line says,
25 "Violence in the capitol." So does that help tell you when roughly you wrote these

1 notes?

2 A As I said, I believe this is all about the farewell speech.

3 Q Okay. And was this from a meeting?

4 A I believe this was from a meeting with Stephen, and then it's about the
5 farewell speech.

6 Q Okay. If you look sort of towards the bottom of that page, it says "Double
7 check." Does it say, "Double check that POTUS," or what does that say?

8 A I think it says, "Double check that POTUS."

9 Q Do you know what that means?

10 A I think it's maybe something about the setup of how he wanted to set up the
11 speech with a monitor, something like that.

12 Q Okay.

13 A How he wanted to do it.

14 Q All right. Anybody have any more questions on that?

15 Okay. We'll turn to exhibit 14. And I think you said that you thought this was
16 from either the farewell address or the goodbye remarks at Andrews Air Force Base. Is
17 that right?

18 A Yeah. I believe that's right. I think it's probably the farewell.

19 Q Okay. And if you look by that first arrow, looks like it says, "Obligatory
20 statements." Is that correct?

21 A I believe so.

22 Q What does it say right under that?

23 A I'm not sure. Looks like --

24 Q I'm sorry, what?

25 A It looks like up something, but I'm not sure.

1 Q Okay. Do you think it says, "VPOTUS," for Vice President?

2 A That's possible, but I'm not sure.

3 Q Okay. Do you remember whether there was any suggestion that in the
4 farewell address the President should feel obligated to make some comments about Vice
5 President Pence?

6 A Well, it says "VP" a few lines later, so I assume so.

7 Q Okay. So tell us about that. Why was the VP listed there?

8 A That's just the list of people that we should recognize.

9 Q Do you recall whether the President ended up recognizing the Vice President
10 in that speech?

11 A I don't recall.

12 Q Okay. If you look --

13 A The speech is public.

14 Q Okay. If you look further down, it looks like it says, "Horried by assault on
15 Capitol."

16 So if you scroll down a little bit. Yeah, there, sort of in the middle of the screen
17 there.

18 A Right.

19 Q And what does it say underneath it?

20 A I see "also," maybe "the," "things." I'm not sure.

21 Q Okay.

22 A "Over." I'm not sure.

23 Q Okay. Do you recall whether the President ended up saying that he was
24 horried by the assault on the Capitol?

25 A I don't recall.

1 Q Okay. Do you recall whether the President was ever resistant to saying
2 something along those lines, that he was -- such as that he was horrified by the assault on
3 the Capitol?

4 A I don't recall any example of that.

5 [REDACTED] Okay. Does anybody have any questions on those notes before we
6 move on?

7 Okay, I'll pause.

8 Congressman Aguilar, did you have anything? No.

9 Okay. So if you could look at exhibit 20. This looks like it's dated November
10 7th, 2020. The time stamp says 2:50 a.m., but I understand from your counsel that the
11 time stamps are several hours off, so this may have actually been late on the night of the
12 6th.

13 I think, John, and you can correct me, we've been in touch with your IT
14 professional, who said that in any given email, the most recent one taken from Mr.
15 Worthington's account, [REDACTED] if it's at the top, that will be in UTC time, which means
16 you need to subtract 5 hours to get to the East Coast equivalent. Does that comport
17 with what he's told you?

18 Mr. Burlingame. That's my understanding, correct. And can I just get a Bates
19 number on this exhibit 20, please?

20 [REDACTED] Yes. Ends in 1917.

21 Mr. Burlingame. Thank you very much.

22 BY [REDACTED]:

23 Q Okay. So this looks like it's an email, Mr. Worthington, that you sent to
24 former Speaker Newt Gingrich, possibly late on the night of November 6th, with an
25 attachment called "VoterFraudDetection_Budget.pdf," and then the name Camilo

1 Sandoval with a phone number.

2 Who's Camilo Sandoval?

3 A My memory is that he worked in the administration in some capacity.

4 He -- I think his name was given to me by a friend.

5 Q Okay. Do you recall why you were passing his phone number on to Newt
6 Gingrich?

7 A My memory is that my friend said something like this guy had some type of
8 data project maybe, like comparing moving records to something, and he had asked if
9 Newt could help in some way. I think he was looking for funding.

10 Q Okay. So the next two pages, it looked to us like they are the attachment
11 to that email. Does that look correct to you? Oh, I'm sorry. It's exhibit 21.

12 Mr. Burlingame. We need to -- yeah, we need to see it on the screen.

13 [REDACTED] Yeah. So it's exhibit 21, Bates numbers end in 1918 and 1919.

14 Mr. Burlingame. Thank you.

15 BY [REDACTED]

16 Q Does that look like the attachment to the email?

17 A Probably.

18 Q Okay. So what is this document?

19 A Well, as I said, my memory is that a friend of mine knew someone who was
20 trying to run some type of data project and mentioned it and said they were looking for
21 funding and asked if Newt knew anyone who might be interested in funding it.

22 Q So is this document a proposal from Camilo Sandoval?

23 A I don't remember. I don't know if Camilo was running it or he just knew
24 the people who were. I don't recall.

25 Q Okay. So at the top of exhibit 21, so this is the page ending in 1918, it's the

1 Bates number, so it starts, "The following steps are necessary to discover evidence of
2 voter fraud in the 2020 General Election. The goal is to generate a substantial number
3 of records of illegitimate ballots cast." And then it goes on to have pricing proposals.

4 Do you know -- I mean, I know you said you sent this to Speaker Gingrich, but do
5 you know what ultimately was done with this proposal? Was the creator of this
6 proposal ever hired and paid by anyone?

7 A I don't -- the only thing I ever had to do with this was forwarding it to Newt.

8 Q Got it. All right. I mean, I had questions I would ask if you were more
9 involved, but if all you did is forward it, I'll move on.

10 Let's -- if we can look at exhibit 3, which ends in Bates number 18 -- I'm
11 sorry -- exhibit 23, ends -- the Bates number ends in 1828.

12 Mr. Burlingame. We've going to need that on the -- there we go. Thank you.

13 BY [REDACTED]:

14 Q Yep.

15 So this looks like it's an email that you sent to yourself on November 8th. Is that
16 correct?

17 A It looks that way.

18 Q Okay. So are these notes from something? What's your recollection of
19 what this document is?

20 A I believe, as I mentioned, at the time we were preparing various
21 contingencies. You know, we wanted to have things on hand for whatever the President
22 wanted to do. And these look like probably notes from a conversation with Stephen
23 about that.

24 Q Okay. And so is it your recollection that there were similar -- similar work
25 was done for other scenarios still at that point? So was this one of several different

1 scenarios you were addressing, or was this the only one you were focusing on at the
2 time?

3 A Was what the only one I was focusing on at the time?

4 Q So these notes, as you can see in the second line, it says, "Full concession to
5 partial concession, asterisk, concession." So this appears to be notes of a potential
6 speech involving a concession. Was there also work being done as of November 8th on
7 a version that would be like a victory speech, or was this the only one that was being
8 worked on?

9 A I don't remember. I do remember that we had a -- we had some type of
10 draft along these lines.

11 Q Okay. A few lines down but still towards the top it says, "It does not
12 appear that we will be able to overcome all of the challenges to secure a majority of the
13 electoral college votes."

14 So does that reflect what Mr. Miller was saying the state of the election was at
15 that point?

16 A I think that reflects discussion of what a speech would say in the contingency
17 of a concession, should the President ever need that.

18 Q Okay. As you can see then, still on the first half of that page, but getting
19 close to halfway down the page, the paragraph starting, "Cannot have ballots rolling in for
20 days. It's unacceptable in the 21st century where we cannot have...dead people voting,
21 ineligible voters." Is that something that Mr. Miller said, as far as you can recall?

22 A It looks that way. These would have been my notes from that
23 conversation.

24 Q Okay. Do you know what the basis was for the assertion that there were
25 dead people voting, which, as I said earlier, must mean votes being cast in the name of

1 dead people, or votes being cast in the name of ineligible voters -- or by ineligible voters, I
2 guess I should say?

3 A I don't recall Stephen discussing that.

4 Q Okay. Then the next line is, "I know must recognize the reality, there is no
5 likelihood of being able to overcome these barriers."

6 So, again, did that reflect either what Mr. Miller was saying was the state of the
7 election at that point, or was this merely a contingency plan?

8 A As I said, we were trying to have whatever needed on hand. This was
9 planning for this contingency, or the type of way we would want the speech to sound.

10 Q And then President Trump never ended up giving this speech, though, did
11 he?

12 A No, I don't believe so.

13 Q Okay. Anybody got questions on that?

14 Okay. So we'll go to exhibit 22, which we'll put on the screen. It ends
15 in Bates -- the Bates number ends in 1429.

16 So this is November 8th, 2020. So looks like the same day. Again, we don't
17 know that the Bates stamps are exactly right.

18 But it looks like first you -- looks like maybe you were forwarding -- or you were
19 inviting people to edit -- I don't know if it's a Google Doc or what this is, called "Election
20 Speech B." So suggests maybe there was more than one version.

21 Do you remember how many different versions of the election speech there
22 were?

23 A Well, I remember there was the general ongoing list of complaints about the
24 election. And I don't -- beyond B, I don't remember if there was another one.

25 Q Okay. But presumably there was an Election Speech A then, right?

1 A I believe Election Speech A would be the sort of complaints about the
2 election.

3 Q Okay. Just so I understand, when we're talking about A and B, is this
4 because they were chronologically, there was an A speech first and then later a B, or was
5 it that there were two different versions being worked up at the same time in order to
6 address different potential scenarios?

7 A As I said, my recollection is that we were preparing for any possible
8 contingency, and this was one we were preparing.

9 Q Okay. So was it like one's a victory and one's a concession?

10 A I believe the first one would've been continuing to litigate the election.

11 Q Oh, I see. So it would have been continue to litigate versus concede?

12 A That's my recollection.

13 Q Got it. And then at the top of this page, in this document, it looks like an
14 email from Mr. Haley to you, also November 8th.

15 He wrote, in the third sentence, "I find the assignment as directed internally
16 incoherent, which explains my tweaks. I tried to minimize the half pregnant concession
17 speech, trying to suggest there will be a peaceful transition if it comes to that, but
18 preserving ongoing contesting of the election. It's a keep the peace speech."

19 What was your understanding of what Mr. Haley meant by the assignment being
20 internally incoherent?

21 A I don't remember beyond what it says there.

22 Q Okay. Later it says, "If we sound too past tense, there's no way the bottom
23 doesn't completely fall out on our side."

24 Do you know what that meant?

25 A Not beyond what it says.

1 Q Okay. Then he writes, "I for one will read the writing on wall and start on
2 my resume."

3 Do you know what that meant?

4 A I think it's clear.

5 Q Well, do you think he was saying, in fact, the writing was on the wall, or was
6 he saying, in the event the President gave that speech, he would then read the writing on
7 the wall?

8 A I believe he's saying if this was the contingency speech that he was going to
9 deliver.

10 Q Okay.

11 Any other questions on that?

12 Okay. If we can turn to exhibit 64. And this is a document that you did not
13 produce to us, so we got it from another witness, and you were not on this email.

14 As you can see, it is an email from Elliot Gaiser, G-a-i-s-e-r, to Kayleigh McEnany,
15 subject, "Speech Draft," dated November 10th, 2020.

16 Mr. Burlingame. Is there a Bates number on this one?

17 [REDACTED] Yeah. So this one the Bates number is, it's KMC, and it ends in 318.

18 Mr. Burlingame. Thank you.

19 [REDACTED] So this was produced by another party.

20 Mr. Burlingame. Thank you.

21 BY [REDACTED]:

22 Q And so Mr. Gaiser wrote, "Kayleigh, here is the rough draft/set of bullets
23 points that I mentioned. I think this would be best as a formal speech in front of a live
24 audience, so the media would have a harder time ignoring it. I hope this is helpful.
25 Elliot." And then what looks like it's, as he describes, a rough draft or set of bullets for a

1 potential speech.

2 So, first, do you know who Elliot Gaiser is?

3 A Vaguely. I vaguely remember. He's someone associated with the
4 campaign.

5 Q Okay. My understanding is he's an attorney who, at the time, was
6 associated with the campaign.

7 Do you recall whether you ever saw this rough draft or set of bullets or some
8 version of it?

9 A I vaguely recollect that somebody named Elliot had a draft of something.

10 Q Okay. And then did you end up using it in some way?

11 A I don't recall.

12 Q Okay. So at the bottom of the first page of this document, Mr. Gaiser
13 wrote, "In State after State, in city after city leading up to the election, liberal elite
14 lawyers, politicians, and judges have tried to change the rules to disadvantage you and
15 me."

16 So his draft -- and I'm not going to take the time to read the whole thing -- but
17 that part at least suggests a focus on the rules of the election being changed.

18 Now, he does make some specific allegations of potential voter fraud, but the
19 focus of his draft seems to be more on the rules of the election having been changed in
20 certain States.

21 It looks like the remarks that the President ultimately gave, and this would be true
22 of, I think, many of his remarks, but in particular, I think the next one that we know of,
23 that we've discussed, is the December 2nd video speech. That video speech was very
24 focused on allegations of voter fraud, not just changing the rules or the process.

25 Can you explain how things seemed to have shifted from Mr. Gaiser's description,

1 focus more on process and procedure, to a speech that was very heavily focused on
2 allegations about voter fraud?

3 Mr. Burlingame. Object to the breadth and foundation, but please answer if you
4 can.

5 The Witness. Well, I barely remember or ever knew who Elliot was. I mean,
6 there were lots of -- there was lots of inputs floating around. There were lots of people
7 sending things to various people.

8 So I'm not sure I would suggest that this was, like, the first draft that was what had
9 changed. He had some documents. Yeah, again, there was a lot floating around.

10 BY [REDACTED]:

11 Q So would it be inaccurate to say that that was a first draft of what ultimately
12 became the December 2nd video statement?

13 A To my recollection, I think that would be inaccurate.

14 Q Okay. So I know I sort of touched on this before. Do you know how, if at
15 all, Mr. Gaiser's draft was used?

16 A I think it was just one of many things that were floating around.

17 Q Okay.

18 A I don't know.

19 Q So if we go to exhibit 24, which is going back now to things that you
20 produced, ends in Bates number 1850. The first chronologically -- so at the bottom of
21 the page -- is an email you wrote November 13th, 2020, 8:56 a.m. It doesn't show the
22 two, but we can maybe infer it from the fact that Vince Haley responded.

23 You wrote, "Can you send us a list of which swing States" -- and then it's kind of
24 hard to read here, but something about "mail-in balloting (mailing ballots to every voter
25 on the rolls) and also a list of which, if any, States make any effort at confirming

1 identity/citizenship?"

2 Vince Haley then responds with something from The New York Times. And then
3 you wrote back, "So the answer is that very few States actually did universal mail-in
4 balloting."

5 Do you recall after that email whether the President in any of his speeches
6 continued to make allegations regarding universal mail-in balloting?

7 A My recollection is that he probably did and that several important States did
8 use universal mail-in balloting and others did send out ballot applications, is my memory.

9 Q Okay. Any other questions on that?

10 Okay. If you look at exhibit 62. And this is -- I don't know if it has a Bates
11 number on it.

12 [REDACTED] It's just a screen catch of a tweet.

13 [REDACTED] It's just a -- yeah. I guess we just did a screen shot of a tweet here.
14 Looks like Donald Trump forwarding something from "Watters' World." But President
15 Trump wrote, "We won because the election was rigged" -- I'm sorry -- "He won because
16 the election was rigged."

17 Do you remember seeing that tweet?

18 A Not specifically, no.

19 Q Okay. I mean, do you recall having any reaction to the President tweeting
20 "he," presumably meaning Biden, because it doesn't say "I won," it says "he won" -- do
21 you recall there being any discussion of the President having issued a tweet suggesting
22 that President Biden had won?

23 A No, I don't recall the tweet.

24 Q Okay. And then this makes a reference in the tweet to, "Dominion, with a
25 bad reputation and bum equipment that couldn't even qualify for Texas, which I won by a

1 lot."

2 Do you recall this tweet having -- and its reference to Dominion -- having any
3 impact on any of the speeches you were writing for him?

4 A I don't recall this tweet specifically.

5 Q Okay. If we go to exhibit 65. And this is from KMC, ends in 814. Looks
6 like some text messages. Jason Miller, looks like he was texting to Kayleigh McEnany.

7 Mr. Burlingame. Would you mind just scrolling down so I can just see the Bates
8 number? I know you've read part of it, but -- great, okay. Thank you very much.

9

BY [REDACTED]

10 Q So it looks like it's Jason Miller, and then as you can see below, Kayleigh
11 McEnany responds.

12 Jason Miller wrote, "I just spoke with the President about this tweet," which I
13 think, based on the timing, is the tweet that I just showed you.

14 And I know you've said you don't recall the tweet. So I assume the answer is
15 that you don't recall anything about this.

16 But do you have any recollection of anybody telling you about Jason Miller's
17 conversation with the President about the tweet?

18 A I don't have any recollection of that.

19 Q Okay. If we can go to exhibit 25, which is from your production and ends
20 in -- the Bates number ends in 452.

21 So there's an email from Vince Haley, dated November 16th, 2020. So I'm doing
22 the first one chronologically. If you scroll down a little bit. Yeah. Went a little too
23 far. There you go.

24 So there's the email from Vince Haley. It starts out, "I am anxious that we have
25 an entirely lawsuit-centric strategy for advancing and winning the election contest, one

1 which relies on proving individual cases of fraud in a court of law."

2 Do you know what Mr. Haley was responding to there, if anything? So, for
3 example, was he responding to, as far as you can recall, a draft of a speech or anything
4 like that?

5 A Not that I remember. I don't -- I'm not sure what prompted the email.

6 Q Do you recall if it was the draft remarks from Elliot Gaiser?

7 A No. As I said, I barely remember the draft remarks from Elliot Gaiser. I
8 just remember them floating around.

9 Q Okay. If you look further down in his email, he's got a paragraph that
10 starts, "But then it could pivot." Do you see that? It says, "But then it could pivot to
11 calling on State legislators to involve themselves in their constitutional responsibilities."

12 What did you understand Mr. Haley to be referring to there?

13 A I think you'd have to ask Vince what he's referring to there.

14 Q No, I'm just asking what your understanding was of what he was referring to.

15 A You're asking for my understanding now or -- I don't even have a memory
16 of -- particularly of reading this email then, so --

17 Q Okay.

18 A There was a lot of information floating around.

19 Q Right. He continues, "And we should cite the constitutional requirements
20 and the December 14th date of convening the electoral college. We should make
21 explicit the State legislature option and why."

22 It sounds like he's referring to the possibility of State legislatures sending a
23 different slate of electors than what was certified by the Governor.

24 Do you recall any discussions around that time period of having State legislatures
25 send a separate slate of electors from what had been certified by the Governor?

1 A No, I don't recall.

2 Q Okay. The last paragraph says, "A political challenge to the integrity of the
3 election outcome serves us in the Georgia election and serves us for the next 4 years if
4 there is going to be a President Biden. Fact-driven fraud cases that get dismissed have a
5 shelf life of about a week for those lawyers who even take the time to figure out what
6 they are about."

7 Was one of the objectives that you had in drafting speeches to create challenges
8 for President Biden if he served for the next 4 years?

9 A When I worked on speeches, my objective was always to give the President
10 what it was he wanted to say.

11 Q Okay. Did anybody indicate that the President wanted to say things that
12 would serve you for the next 4 years if there is going to be a President Biden?

13 A I don't recall hearing that the President wanted that.

14 Q Okay. Then Stephen M replies -- so this is going up to the top, the second
15 paragraph of his replies. So I assume that's Stephen Miller. Does that sound correct to
16 you?

17 A That looks correct.

18 Q Okay. He writes, "There is no request to address the State legislature issue
19 in the remarks, so I'd hold that for a separate treatment."

20 Do you know whether there was ever a separate treatment of the State legislature
21 issue?

22 A Not that I recall that I was involved in.

23 ██████████ Okay. Anybody have any other questions on that?

24 Well, we've talked about grabbing a lunch break sometime around now. Do you
25 want to keep going or take a break now?

1 [REDACTED] How much longer do you have?

2 Mr. Burlingame. I can keep going for a little bit.

3 [REDACTED] Okay. All right. Let's go to exhibit 66.

4 Mr. Burlingame. Our lunch isn't here yet, so let's go for a little bit.

5 BY [REDACTED]:

6 Q Okay. Exhibit 66 ends in Bates number -- or Bates number ends in 1920.

7 This is an email from you, Mr. Worthington, to Jason Miller, Tim Murtaugh, Justin Clark,
8 Kayleigh McEnany, Hope Hicks, Dan Scavino, Stephen Miller, and Vince Haley, dated
9 November 17th, 2020, subject, "Draft potential remarks."

10 You wrote, "This the latest draft of a speech we have been working on in the
11 event the President wants to give an update."

12 And then let's go to exhibit 67. So this ends -- this Bates number ends in 1921.
13 So it looks like this is the election update that was sent as an attachment.

14 Do you know whether some version of this was ultimately used in a speech?

15 A It looks like some version of the speech that was recorded right before
16 Thanksgiving to me.

17 Q Okay. So that's the one that I may have referred to as the December 2nd
18 video, because you indicated it was recorded before Thanksgiving but it may have been
19 released December 2nd.

20 A Just to say, it's also -- it says, "Thank you all for being here." Maybe -- I do
21 have a recollection that he gave a press conference at some point, so I'm not -- I don't
22 remember when that was. But it strikes me as odd that it would say, "Thank you all for
23 being here," if it was going to be a video. So I'm not sure.

24 Q Okay. Do you recall, did you draft this?

25 A I certainly would have been one of the people involved in helping draft the

1 election updates, yeah.

2 Q Okay. If you look at the third page of the document. So it ends in 1923.
3 And sort of the middle of the page, there's a paragraph starting, "One of the most
4 destructive voting practices that Democrats have enabled is ballot harvesting."

5 Do you know what the basis was for asserting that there was ballot harvesting in
6 the 2020 Presidential election?

7 A Well, my memory is that many States had ballot harvesting, but we had
8 fact-checkers for every speech.

9 Q Okay. When you say many States had ballot harvesting, you mean that it
10 was legal in those States to harvest ballots?

11 A My memory is that there are States that have legalized ballot harvesting, and
12 there's other States where there are allegations of ballot harvesting where it's not legal.

13 Q Okay. And do you know which one of those, or maybe both, that reference
14 to ballot harvesting was there?

15 A That looks to me like a generic reference to ballot harvesting.

16 Q Okay. And do you know who fact-checked this speech?

17 A I don't have a specific memory, but Will Bock was our researcher who, in
18 general, would have fact-checked every speech.

19 Q Okay. And the next page, so ending in 1924, there are references to
20 multiple voters received ballots that were already filled out. Rather than ask you each
21 one of these, I'm just going to mention a few of them and ask a more general question.

22 Reference to tens of thousands of voters across Pennsylvania were treated
23 differently based on whether they were Republicans or Democrats. Then in Michigan
24 witnesses who saw election official counting ineligible ballots, counting batches of the
25 same ballots many times, pre-dating late ballots, and illegally duplicating ballots.

1 And do you know how those various allegations got into the speech, meaning,
2 who wrote them, and what was the source of information for them?

3 A Well, there was a lot of information coming from all places, but I think many
4 of the things that you just mentioned, the campaign had affidavits or some type of
5 testimony to that effect.

6 Q Okay. And do you recall, did somebody at the campaign provide this
7 information to you or one of your colleagues to put into the speech?

8 A I believe the campaign provided their affidavits.

9 Q Okay. If you look at the next page, ending in 1925, the paragraph starts,
10 "Finally, we are aggressively investigating the extremely troubling reports of issues with
11 Dominion voting systems."

12 Do you recall where that allegation came from, when you say those allegations?
13 Because there seem to be several allegations in that paragraph about Dominion systems.

14 A My recollection is that the allegation was, like, publicly in the press.

15 Q Okay. But I assume it takes more than an allegation being publicly in the
16 press for the President to make the allegation himself. Is that correct?

17 A Well, it says, "We are aggressively investigating."

18 Q Okay. So do you recall whether this came from the press saying that the
19 campaign or somebody else was aggressively investigating it, or did someone at the
20 campaign or someone in the White House provide this -- these allegations to you or
21 whoever the speechwriter was?

22 A I don't recall specifically. I mean, in general our approach was to try to give
23 the President a speech that contained what he wanted.

24 Q So it says in that paragraph, "As more information has come to light, many
25 Americans have been alarmed to learn that the company is sending our sacred election

1 data to servers overseas for the votes to be tabulated in a foreign country."

2 So that's not just saying there's an investigation of that. That seems to be a
3 factual assertion.

4 Do you know what the -- where that assertion came from?

5 A My recollection is that it was in -- it was in the press.

6 Q Did you ever see a memo from somebody named Justin Riemer addressing
7 the various allegations about Dominion voting systems?

8 A Do you have a memo to show me? It doesn't --

9 Q I don't, no.

10 A It doesn't ring a bell.

11 Q Okay. So you don't recall seeing anything written by the Trump campaign
12 essentially debunking the allegations about Dominion voting systems, do you?

13 A No, I don't recall that.

14 [REDACTED] Okay. Does anybody have any other questions about that
15 document?

16 [REDACTED] Yeah, just a couple things.

17 [REDACTED]:

18 Q Mr. Worthington, your reference to that was in an article. Is it your
19 understanding that as long as a fact was included somewhere in a news report that that
20 was sufficient verification to pass your -- the sort of researcher's analysis, that it was
21 sufficiently reliable to make it into a Presidential speech?

22 A I think we tried to write speeches that contain the arguments that we
23 understood the President wanted to make. And we had a researcher who would try to
24 make sure that he felt there was sufficient basis for those things, and sometimes that was
25 press reports.

1 Q Right. I'm trying to understand the sufficient basis. We're just looking for
2 some clarity as to what level of reliability was necessary for it to pass the fact-checking
3 test, whatever that was.

4 Is it -- I don't want to put words in your mouth. It sounds like, as long as there's
5 a press report, then it is verified or it's validated enough to make it into the speech. Is
6 that right?

7 A Well, I don't know if I would say in general. But if there was a reason that
8 we had to put it in, that there were probably cases where press reports were sufficient to
9 put it in the speech.

10 Q All right. And you've made reference several times to: We tried to put
11 into speeches what the President wanted. I'm getting a sense that if the President
12 wanted to talk about claims of voter fraud, your job then was to essentially write that up?
13 You're taking your direction from him in crafting a script that comports to what message
14 he wants to send? Again, generally, was that your approach during this period of time?

15 A You know, our job as speechwriters was to give him what he would want if
16 he were to spend time sitting down and writing it. And we had various ways of
17 understanding what that was. But, yeah, that was our goal in speechwriting. That's
18 the job.

19 Q But isn't it -- I'm sorry. I didn't mean to interrupt you. Go ahead.

20 A No, that's enough.

21 Q So if the President wanted to say something that was wrong, or the
22 President wanted to say something that had no basis in fact, was it your job to find a way
23 to say it, or was it your job to correct it or to suggest that it shouldn't be said?

24 A No. In general, we had fact-checkers, and we would try to make sure that
25 we felt that there was a specific basis for things. And at the end of the day we tried to

1 give him a good product, and it was his speech.

2 Q And last question on this, and I don't think I asked you this before. I'm
3 getting a sense that this also could be a circular process, whereas, if the President said it
4 before, if the President tweeted it before, if the President had said it at some prior
5 instance, that was enough for it to be validated and make it into a speech? Is that
6 consistent with your understanding of this research or validation process?

7 A Well, that's probably stating it a bit more -- I'm not sure it was that hard and
8 fast of a rule. But certainly we took into account what the President said and
9 understanding the types of arguments that he wanted to be making.

10 Q So, again, Mr. Worthington, I don't want to be -- I'm not trying to be unclear
11 here.

12 If the President said something before, was that enough, the fact that he had said
13 it before, for it to be verified by your verification, validation, research process?

14 He put it in a tweet, you put it in a prior speech, so it's good, that is enough of a
15 fact-check for this particular representation.

16 A I don't know that it would be accurate to say that that alone, but it certainly
17 was a big checkoff.

18 [REDACTED] Okay. Thank you.

19 [REDACTED] Should we take a lunch break now?

20 Mr. Burlingame. Sure.

21 [REDACTED] Is, like, 40 minutes enough, or do you want an hour?

22 Mr. Burlingame. Let's shoot to come back at 2 p.m. How's that?

23 [REDACTED] That works. Forty minutes.

24 [REDACTED] That sounds good.

25 Before we break, John, just briefly. We have an additional exhibit just from the

1 production you made, and maybe someone can pull it up for you. It's Bates number
2 2476 through 2502. It's just an email from Mr. Bock related to the January 6th speech
3 with some, I think he calls them election research. So it's just a variation of another
4 email he sent. That's all.

5 Mr. Burlingame. Hey, can we go off the record real quick? I have another
6 question for you, [REDACTED].

7 [REDACTED] Sure. It's 1:20 p.m. We'll go off the record, to return back at 2
8 o'clock.

9 [Recess.]

1

2 [2:02 p.m.]

3 [REDACTED] Now we'll go on the record at 2:02 p.m., and I think [REDACTED] is
4 going to continue with his questions.

5 [REDACTED] Great. If you could look at exhibit 26. Bates number ends in 470.
6 There's an email. The first one --

7 Mr. Burlingame. It just popped up on the screen, so just give us a second here.

8 [REDACTED] Okay.

9 Mr. Burlingame. Thank you.

10

BY [REDACTED]

11

Q And I'll go through them chronologically. So, if we scroll down -- I don't
12 like -- so if we scroll down to the bottom, the first one is from Tony Dolan, November 16,
13 2020, at 8:10 p.m. And then a response the next day from Bret Baier, who I assume is
14 Bret Baier from Fox News, and he wrote: Powell and Giuliani are on our air every day on
15 some show. I just need to have them lay out the case. Every time they are pressed,
16 they say it's coming, can't talk about it yet, so waiting for the big reveal. We haven't
17 been able to nail down major fraud for a change in this election. We are digging though.

18 So, first of all, I can't tell who that was sent to. I assume it was sent at least to
19 Tony Dolan.

20 Do you recall, Mr. Worthington, whether you were on this email at the time or
21 only got it at the end?

22 A I don't believe I was on the chain.

23 Q Okay.

24 Mr. Burlingame. And I'm sorry. You said this was exhibit -- which exhibit?

25 [REDACTED] Exhibit 26.

1 Mr. Burlingame. 26, thank you.

2 BY [REDACTED]

3 Q Okay. And I think you said earlier Mr. Dolan was an advisor in the
4 speech-writing office. Do you know, did he have some preexisting relationship with Bret
5 Baier from Fox News?

6 A My understanding is that Tony had known Bret Baier for a long time.

7 Q Okay. And then Mr. Dolan replied: Known Rudy 39 years. It's hard to
8 believe he would traffic in the fantastic scheme he laid out on Maria.

9 Do you know what that refers to?

10 A I just know what it says.

11 Q Do you think that Maria refers to Maria Bartiromo?

12 A I would just be speculating.

13 Q At the end it says: Mr. Dolan, I dunno, man. One way or other it's going
14 to be a revelation.

15 Do you know what he was referring to, what the revelation was going to be?

16 A You would have to ask Tony. I would just be speculating.

17 Q Okay. He didn't say anything to you about this email or what the revelation
18 was he was referring to?

19 A I mean, he mentioned his exchange with Bret Baier to me, but he didn't go
20 into detail about all the things he was referencing.

21 Q Okay. Do you remember what he said about the exchange?

22 A Just that he was having an exchange with Bret Baier, and I guess he was just
23 keeping us informed, keeping me informed.

24 Q Do you know why? Why was it important that you be informed about his
25 communications with Bret Baier?

1 A I think -- no, I would be speculating. But I think Tony had had a long
2 relationship with Bret Baier and was concerned about interpersonal dynamics.

3 Q Sorry? What dynamics was he concerned about?

4 A His interpersonal relationship.

5 Q Oh, meaning Mr. Dolan was concerned about his own relationship with Mr.
6 Baier?

7 A You would really have to ask Tony.

8 Q Okay. If we look at exhibit 27, ends in Bates No. 1629.

9 First one chronologically is from you, November 23, 2020: Hi, Jenna -- it appears
10 from the reply that this is to Jenna Ellis. Hi, Jenna. Can someone on your team send us
11 the top 20 examples of voter fraud? We understand this is a POTUS request.

12 Can you tell us what you recall about the request from the President for the top
13 20 examples of voter fraud?

14 A I don't recall the request beyond what it says there.

15 Q What do you recall the request being?

16 A To be honest, I don't recall the specific request, but I see what it says.

17 Q Do you recall whether you spoke directly to the President about this?

18 A I don't recall speaking directly to the President about that.

19 Q Do you recall who told you the President was making the request?

20 A I don't.

21 Q Okay. She replied asking what's -- among other things, the reply says:
22 What's the deadline?

23 You wrote back: ASAP. We would like to show him something this afternoon.

24 Do you recall what happened that afternoon?

25 A Um, not beyond -- I don't know if that was the day that he filmed one of his

1 videos; but other than that, no.

2 Q Okay. Do you remember whether you received the 20 examples of voter
3 fraud?

4 A I don't recall. I mean -- I don't recall.

5 Q Okay. Anybody else have questions on that?

6 Okay. We'll go to exhibit 28. This Bates number ends in 3.

7 And this is an email from you, and for some reason the to line is missing. I don't
8 know if this is something you sent to yourself or somebody else, dated December 1, 2020.

9 Do you recall what this document is?

10 A It looks like notes to myself about the Georgia speech.

11 Q Okay. The first line: Dc PR.

12 What does that refer to?

13 A I don't know.

14 Q Okay. The next line is ETC.

15 What does that one refer to?

16 A Oh, I do remember what Dc PR -- it's D.C. and Puerto Rico Statehood.

17 Q Thank you.

18 Do you remember what ETC is?

19 A Um, no, I don't recall.

20 Q Okay. What did you mean a couple of lines later when it says, "Pass bills,
21 let people use their imaginations"?

22 A As I remember, I think this is referring to describing the types of things that
23 would happen if the Democrats won the Senate.

24 Q And then you wrote: We are fighting this election you the end. If they
25 are successful in stealing it, they will do X.

1 Do you recall what that meant?

2 A Well, as I said, I think it's about what Democrats would do if they had power.

3 Q And do you recall whether these notes were from a meeting?

4 A Um, I don't recall specifically, but they certainly look like notes documenting
5 a -- to myself from a conversation.

6 Q Okay. Do you remember who the conversation was with?

7 A I think it -- I don't really want to speculate, but I think it must have been
8 Stephen.

9 Q Okay. If you can look at exhibit 29. Bates number ends in 1720.
10 This is an email that you sent, looks like from your personal email account to your
11 White House email account dated December 5, 2020.

12 First line says: From Hannity, have on side.

13 Do you know what that means?

14 A I believe this was that text David sent from Hannity.

15 Q Okay. So you think the rest of what's below after that line is from Sean
16 Hannity?

17 A I don't know whether it's notes from something that Sean Hannity said or it's
18 direct text from Sean Hannity.

19 Q Okay. Did you talk to Mr. Hannity?

20 A No.

21 Q Okay. When you say you don't know if it's something he said, would that
22 have been something he might have said on his show, or how would you have gotten
23 this?

24 A I believe -- my memory is from when I produced it, this was text to me by
25 Stephen.

1 Q Okay. So your recollection is that Stephen Miller sent you a text which you
2 then put into an email to yourself? Is that correct?

3 A Probably, yeah.

4 Q Okay. What does "have on side" mean?

5 A It may -- I don't know. I could speculate, but I don't know.

6 Mr. Burlingame. Don't guess.

7 BY [REDACTED]:

8 Q Okay. Do you know what, if anything, you did with this document after you
9 sent it to yourself?

10 A I don't have the specific memory of it, no.

11 Q Okay. Do you recall if you used it in preparing any sort of speech for the
12 President?

13 A Sorry? What was that?

14 Q Do you recall whether you used this material in preparing a speech for the
15 President?

16 A I don't recall.

17 Q All right. Let's go to exhibit 30. The Bates number ends in the number 20.

18 So the first one chronologically is at the bottom of that page and goes onto the
19 next page from Tony Dolan to you and Mr. Haley, dated, Tuesday, December 15, 2020.

20 And it starts off on the second page at the top: I might do you the favor of
21 forgetting about your email and just chalking it up to the pressures of time and
22 circumstance, but I'm not sure of that and will have to think about it.

23 In any case, this is important for the record.

24 And then it goes on.

25 Do you know what this is? It looks like it may be a draft -- and I don't want to put

1 words in your mouth, but it looks like maybe a draft of an email to be sent to somebody
2 at Fox News, probably Bret Baier because later at -- later chronologically, but earlier in
3 the document, there's a reference to Bret.

4 Mr. Burlingame. If you want them to scroll one way or the other if that would be
5 helpful to you.

6 The Witness. Yeah. Can you scroll all the way down?

7 There's no chain below it. You can scroll up.

8 Keep going up -- or no.

9 Yeah. This looks like Tony is sending something that perhaps he sent to Bret or
10 was thinking of sending to Bret.

11 BY [REDACTED]:

12 Q Okay. And what was it all about? Was there some kind of dispute
13 between the two of them?

14 A You would have to ask Tony, but I recall that they were -- they had a
15 longstanding relationship, and they had some, like a little back-and-forth.

16 Q Okay. Then you -- it looks like you responded on December 16, 2020,
17 12:55 p.m.: For what it's worth, perhaps something more like this. And then, I guess,
18 a revised draft.

19 So what -- when you wrote that revised draft, what was your understanding of the
20 purpose of the message to Bret Baier?

21 A I wasn't trying to change Tony's -- the purpose of Tony's message to Bret
22 Baier. My memory is that I was trying to help Tony maintain his friendship with Bret
23 Baier.

24 Q Okay. But what was the underlying dispute between the two of them
25 where their friendship had been at risk?

1 A My memory is that they were having some type of back-and-forth about
2 coverage, but I don't know the specifics of what the dispute was beyond what's in the
3 emails. I --

4 Q Do you recall whether -- go ahead.

5 A I would have to look at the emails, and I think, you know, also what I know
6 about it is just from what he forwarded.

7 Q Do you recall whether it has anything to do with Fox News calling a
8 particular State for President -- or Vice President Biden?

9 A It's possible that was one of Tony's -- one of the things Tony was raising, if
10 that's in the text of the email.

11 Q No, it's not in the text of the email. So I'm just trying to find out what --

12 A Then you would have to ask Tony.

13 Q Okay. But you wrote: Arranging bad talk about Fox has certainly not
14 been in my playbook at the White House.

15 Do you know what that's a reference to?

16 A I believe that Tony -- I think that paragraph looks like I was making inline
17 tweaks to something that Tony had already written to try to help him calibrate the tone.

18 Q Do you know whether Bret Baier had made some allegation that Mr. Dolan
19 had been engaged in bad talk about Fox?

20 A I don't remember that.

21 Q Okay. Any other questions on this?

22 Okay. If we can look at exhibit 32, this is -- the first one chronologically is an
23 email from you to William Bock, December 21, 2020.

24 You wrote, Some fill-ins and double checks needed.

25 He responded on the same day: Comments attached. Hope these help.

1 And then exhibit 33, which we'll pull up, ends -- Bates number ends in 7, appears
2 to be the document in question that was attached to the email chain.

3 So can you tell which of the various speeches that we discussed this one would
4 be? And just to refresh your recollection, my understanding is there was a video
5 statement from the President on December 22nd, which would be the next day, so I don't
6 know if that helps.

7 I guess my question would be, does this look like this is a draft of the statement
8 that the President made in a video-recorded statement released on December 22nd?

9 A I assume so. Yeah, that looks right.

10 Q Okay. So, on exhibit 33, on the first page, the paragraph starts at 6:31 a.m.:
11 Michigan suddenly reported 147,000 votes, 94 percent for Biden, 6 percent for Trump.
12 At 4:42 a.m., Wisconsin reported 143,279 votes for Biden and just 25,163 votes for
13 Trump. A similar dump happened in Georgia at 1:34 a.m.

14 Do you know what the source was for those statements?

15 A I don't recall specifically. We had a fact-checker who would check things.

16 Q And that was Mr. Bock? Right?

17 A Yes.

18 Q Do you know whether he, in fact, checked those facts?

19 A I assume so. You would probably need to ask him or -- I mean, if this is
20 what he sent back, then I think this is the fact-check.

21 Q Okay. On the next page, there are a couple of things that look like they're
22 blacked out. I don't know if that's an intentional redaction or if that's some kind of edit
23 and, for some reason, when we printed it out, it came out as looking like redactions.

24 Do either you or your counsel know what the reasons are for that?

25 Mr. Burlingame. It was not an intentional redaction, otherwise I would have

1 disclosed it; but happy to look into it with my IT personnel.

2 [REDACTED] Okay. If you can just let us know later.

3 Mr. Burlingame. And this is -- what's the Bates page on this one?

4 [REDACTED] This one, this particular page is 8.

5 Mr. Burlingame. Page 8, okay.

6 BY [REDACTED]:

7 Q So in the middle of that page, it says: Over the past 7 weeks, we have put
8 forth abundant evidence proving how the Democrats perpetrated this monstrous fraud.

9 Do you know if the use of something like the term "monstrous fraud," is that
10 something that would be subject to fact-checking?

11 A I don't know if it was fact-checked or not. The document I certainly believe
12 was.

13 Q Yeah. But what I'm getting at is, obviously, there's some things in here that
14 would clearly be specific facts, like numbers. But I didn't know for something like a
15 characterization such as "monstrous fraud," if there's any kind of fact-checking process
16 for that or if that is not within the fact-checker's role?

17 A I think the fact-checker would make those determinations.

18 Q And do you recall whether any fact-checker pushed back on the use of
19 "monstrous fraud"?

20 A I don't recall the specific -- any specific discussion of a fact-check of
21 "monstrous fraud" in relation to this speech.

22 Q Okay. If you'll look at the next page, there's a paragraph that starts with
23 third and then hundreds in brackets: Hundreds of witnesses have come forward to
24 testify under penalty of perjury about the cheating and fraud they saw with their own
25 eyes.

1 Do you know what the source was for that statement?

2 A The fact-checker was the one who had checked this. However, there were
3 certainly many affidavits.

4 Q Okay. But I'm asking not so much about whether it was fact-checked but
5 what the source was for the information in the first place. Like, did you write that, or
6 did somebody else give you that information?

7 A I don't recall, but it -- there were certainly many affidavits, and the brackets I
8 think is a -- it's like a placeholder.

9 Q Do you know how the placeholder was ultimately resolved?

10 A I don't recall.

11 Q Okay. At the end of that paragraph, there's a sentence that says: There is
12 even security camera footage from Georgia that shows officials telling poll watchers to
13 leave the room before pulling suitcases of ballots out from under the tables and
14 continuing to count for hours.

15 Do you recall how that got in the speech -- or the draft of the speech, I should say?

16 A I recall that that was a widely disseminated video.

17 Q Okay. And are you familiar with an investigation that the Georgia Secretary
18 of State's office did into that?

19 A I don't know.

20 Q Okay. You don't recall?

21 A Yeah, I don't recall any specific investigation. I recall that it was contested.

22 Q What do you mean by that? Because my understanding is that there
23 actually was security camera footage that showed the entirety of the time that the boxes
24 were sealed and placed under the voting machines all the way up until the time when
25 they were removed, unsealed, and then fed through the machine. So in what way was it

1 contested if the entire thing was on video?

2 Mr. Burlingame. Objection; foundation.

3 You can go ahead and answer if you can.

4 The Witness. I mean, I don't recall the details that you just described.

5 [REDACTED] Okay.

6 Does anybody have any other questions on that.

7 [REDACTED] Yeah,

8 BY [REDACTED]:

9 Q Just to follow up on that, Mr. Worthington, the specific allegation that [REDACTED]
10 [REDACTED] was just asking you about, at the time you were involved in drafting the speech,
11 were you aware that the FBI had looked into that video, had publicly announced that
12 there was no evidence -- it did not show any evidence of fraud, provided an explanation
13 for the events in the video and that the Attorney General of the United States had
14 conveyed those facts to the President?

15 Were you aware of any of that at the time that you drafted this speech?

16 Mr. Burlingame. Objection; foundation.

17 Go ahead.

18 The Witness. That doesn't ring a bell.

19 [REDACTED] So in the fact-checking process, the verification of facts processed,
20 the fact that, again, the FBI had debunked this and notified President Trump did not come
21 up, or at least not to your knowledge? It passed through the vetting process,
22 nonetheless?

23 Mr. Burlingame. Objection; foundation.

24 Go ahead.

25 The Witness. I can't remember whether that was flagged or not.

1 [REDACTED] You would remember that if it had been flagged, wouldn't you, Mr.
2 Worthington?

3 Mr. Burlingame. Objection to the hypothetical nature.

4 Go ahead and answer it.

5 The Witness. There were so many speeches that we did over the years, that we
6 got fact-checks back on, including during this time. I don't -- I mean, even if I received it,
7 I don't know that I would have necessarily looked at every detail of it. So, no, I don't
8 remember that specifically.

9 [REDACTED] If you had heard, in the process of drafting, the speech that a fact
10 included in the speech would have been publicly rebutted by the Federal Bureau of
11 Investigation and the Attorney General had indicated that he told the President about
12 that, would you have considered that a fact of sufficient reliability to be used thereafter
13 by the President of the United States in a speech?

14 Mr. Burlingame. Object to the foundation.

15 The Witness. That's a hypothetical. I don't remember that happening at the -- I
16 don't remember all the things that you just said.

17 [REDACTED] I guess what I'm asking you, Mr. Worthington, is if that had
18 happened and you were aware that the FBI had rebutted a fact, would you still put it in a
19 speech if the President wanted it?

20 Mr. Burlingame. Objection to foundation, to the hypothetical form of the
21 question.

22 The Witness. I mean, ultimately, we -- it's the President's speech. We tried to
23 give him the speech that we understood that he would want. We had it fact-checked.
24 To the extent that flags were raised, someone, either me or Vince or Stephen or someone
25 or the staff secretary would look at those flags and either engage with fact-checkers

1 or -- and you're talking about that specific hypothetical. I don't recall any debate over
2 that.

3 [REDACTED] No, Mr. Worthington, I'm just trying to get a sense of your internal
4 standard. You personally, as a speechwriter, would you put in a speech a fact if you
5 were aware that the FBI had publicly rebutted that fact?

6 Mr. Burlingame. Objection; foundation, to the hypothetical form of the
7 question.

8 [REDACTED] I'll ask you again. Would you put into a speech a fact if you were
9 aware that the FBI had publicly disclaimed that fact?

10 Mr. Burlingame. You have asked it a couple of times, and that's not going
11 over -- it doesn't cure my objection. Same objections.

12 Go ahead and answer, if you can.

13 The Witness. I probably wouldn't unless I was aware that the President wanted
14 that in. I mean, as a general matter, that wouldn't be my goal to have things in there
15 that were disproven.

16 [REDACTED] Okay. So it sounds like the answer is you wouldn't put it in unless
17 the President wanted it in? If the President wanted it in, then it would get in? Is that
18 what the answer is?

19 The Witness. I mean, this is a hypothetical. I mean, you're asking me if I knew
20 something was wrong and -- you know, I didn't always have a conversation with the
21 President about every speech.

22 [REDACTED] I understand, Mr. Worthington. I'm just trying to get a sense of
23 what the standard is for inclusion of facts in speeches. It sounds like you're saying, even
24 if it was wrong, you put it in if the President wanted it in.

25 Mr. Burlingame. Objection; mischaracterizes the testimony.

1 [REDACTED] Don't let me mischaracterize it. Let me hear the answer.

2 If a fact is wrong and you knew it was wrong and the President wanted it in, would
3 you put it in?

4 Mr. Burlingame. Objection to the foundation. Objection to the hypothetical
5 nature of the question.

6 The Witness. We -- when we had flags, we would generally try to adjudicate
7 them based on all types -- many calculations go into that. But the fact-check -- the
8 fact-checker generally made those determinations, and we took them -- you know, we
9 generally took their word for it.

10 [REDACTED] So, if the fact-checker ignored the Attorney General's public
11 statements about this Georgia suitcase issue and nonetheless put it in the speech, that
12 was okay with you?

13 Mr. Burlingame. Objection to foundation and to the hypothetical form of the
14 question.

15 The Witness. No. That -- yeah. No, I wouldn't -- if my fact-checker didn't flag
16 something that he knew was false, that would be -- you know, that wouldn't be great.

17 [REDACTED] I'm finished.

18 Thank you.

19 BY [REDACTED]:

20 Q Mr. Worthington, who is Alex Torres?

21 A Alec Torres was a speechwriter.

22 Q One of the documents you produced appeared to be a draft of a book
23 proposal from former Acting Secretary of Defense Christopher Miller.

24 Does that sound correct to you?

25 A I don't know if we produced that.

1 Q Do you recall seeing such a document?

2 Mr. Burlingame. Do you have a Bates number?

3 [REDACTED] No. Well, we can probably find it, yeah.

4 Mr. Burlingame. Are you looking for it, or did you want the witness to try to
5 answer? I can't really -- I'm still looking at the document that was on the screen, so I
6 can't see what you all are doing.

7 [REDACTED] We'll pull it up, but if the witness recalls without seeing the
8 document whether he saw such a thing, then he can go ahead and answer.

9 Mr. Burlingame. Okay. Could you just restate the question so I've got it in my
10 mind, please?

11 [REDACTED] Yes.

12 BY [REDACTED]:

13 Q Do you recall having seen a draft book proposal from former Acting
14 Secretary of Defense Christopher Miller?

15 A I have seen a draft proposal from Christopher Miller, although I'm surprised
16 that we would have produced that because it's not within the timeframe of the
17 subpoena, to my knowledge.

18 Q Well, I think it discusses things -- like the document itself discusses events
19 related to January 6th, so I assume that's why it was produced.

20 Mr. Burlingame. It would be really helpful if I could see the specific document
21 you're looking at.

22 [REDACTED] Sure. We can bring it up.

23 Mr. Burlingame. Thank you.

24 [REDACTED] It will be just a few minutes.

25 It's Bates number ending in 2002, and I'm going to have -- get it on the screen for

1 us.

2 Mr. Burlingame. Thank you very much.

3 [REDACTED] And for the record, that's [REDACTED] speaking.

4 So my question was just going to be, do you recall how you came into possession
5 of that document?

6 Mr. Burlingame. Well, they're putting it on the screen. So wait until you see
7 the document and then answer.

8 [REDACTED] If it's going to take a while, then we can come back to this question
9 later.

10 [REDACTED] So, just for the record, when it's shown on the screen, Mr.
11 Burlingame, we'll refer to it as exhibit 70, and we'll make it part of the record.

12 Mr. Burlingame. Thank you.

13 [REDACTED] Sure thing.

14 [REDACTED] Have you found it? Okay.

15 So it's a, you know, multipage document. I don't know if it's worth scrolling -- it's
16 a multipage document. I don't know if it's helpful for you to have us scroll through the
17 whole thing.

18 My question was simply, where did you get that document?

19 Mr. Burlingame. Can you just keep scrolling? We won't read it word for word
20 unless the witness wants to, but --

21 The Witness. I mean, I believe, you know, Chris Miller did a draft of a book
22 proposal.

23 [REDACTED] Okay. Did you assist with it?

24 The Witness. I did help advise Chris on his book proposal.

25 Q Did you write any of it?

1 A I may have written parts of that. My memory is that Chris wrote a bunch,
2 and I and others helped him clean it up and --

3 [REDACTED] Okay. I don't have anything else.

4 [REDACTED] Oh, you're good.

5 [REDACTED] Yes.

6 [REDACTED] All right. Well, it seems like we can move on to the January 6th
7 speech. Happy to just get into it, [REDACTED] and Mr. Worthington, or we can take a 5-minute
8 break. Up to you.

9 Mr. Burlingame. Let's get into it.

10 The Witness. Actually, I would like to go to the bathroom actually.

11 Mr. Burlingame. We will take a 5-minute break.

12 [REDACTED] I'm glad I asked.

13 So we'll go off the record at 2:37. We'll just come back at 2:45; okay.

14 Mr. Burlingame. All right.

15 [Recess.]

16 [REDACTED] We'll go back on the record at 2:42 p.m.

17 BY [REDACTED]:

18 Q And, Mr. Worthington, as I said before we broke, we'll just move now into
19 the speech on January 6th. And, when I say that, just so there's not any confusion, I just
20 mean the speech at the Ellipse that the President delivered. And I see you shaking your
21 head, so thank you.

22 Can you just describe for us, what was -- in a general manner, what was your
23 responsibility for that speech on January 6th? Were you the lead drafter, or just how
24 would you characterize your role?

25 A I would say that I was one of the people that helped draft it.

1 Q Who had the pen primarily within the speech-writing office on the speech?

2 Mr. Burlingame. At what point in time?

3 [REDACTED] I mean, there was only a day and then until the next -- so far as I can
4 tell. We'll talk about it roughly. But, within the speech-writing office, who amongst
5 you and your colleagues had the pen primarily on the draft of that speech?

6 Mr. Burlingame. Thank you.

7 The Witness. I would say that Vince and I were collectively responsible for
8 producing the first draft.

9 BY [REDACTED]:

10 Q When did you first, yourself, become aware of the event on January 6th as
11 something on the President's calendar? Do you remember?

12 A Um, I believe I maybe first became aware of it when he tweeted it. Did he
13 tweet about it?

14 Q He did. If we look at exhibit 17, we can show you -- it's just a selection of
15 President Trump's tweets, and when it goes up, we'll focus on page 1.

16 His first tweet I'll represent to you is right there on page 1, which was on
17 December 19th of 2020, when he references in the last part of this tweet that: Big
18 protest in D.C. on January 6th. Be there, will be wild.

19 Is this what you're referring to as the first time you remember hearing about it?

20 A Well, that doesn't say that he's going to speak there, so -- I don't remember.

21 Q Okay. Well, I'll tell you -- no. Go ahead.

22 A Yeah. No, I -- I don't remember this specific tweet, but I vaguely remember
23 becoming aware of the event by tweet.

24 Q Fair enough.

25 Were you in the Washington, D.C., area during the holidays, you know, between

1 roughly Christmastime and New Year's? Did you say stay in the area, or did you go
2 somewhere else?

3 A I went to Mexico after Christmas.

4 Q And do you remember what day you got back?

5 A Um, I think I came back like -- I don't remember the exact day, but the 2nd,
6 3rd maybe. It was after New Year's.

7 Q Sure. If we work back from January 6th, which was a Wednesday,
8 January 2nd was the Saturday, the 3rd was Sunday, and the first date of the regular work
9 week was January 4th, a Monday.

10 Do you think your first day back at the office was on January 4th, that Monday,
11 after getting back from Mexico?

12 A Um, that sounds probable, but it could have been the next day.

13 Q In terms of when you first heard about it, do you think you first heard about
14 the event -- the President's tweet about attending the January 6th rally before you left for
15 Mexico, while you were there, or after you got back? Do you remember?

16 A I don't really remember.

17 Q When then were you and Vince assigned the responsibility of writing the
18 speech? Do you remember? Was it while you were in Mexico, or after you got back?

19 A I certainly think I was aware of the speech while I was in Mexico, the need to
20 do it. Um, I don't -- yeah, I don't remember the exact time that I became aware that the
21 President was speaking there and that we needed to do a speech.

22 Q Who told you that you needed to do a speech that you remember, the first
23 time?

24 A Um, I don't recall. I'm not even sure that someone told me. I mean, I
25 may have just found out that he was speaking and --

1 Q And so would you just take it upon yourself if you found out he was speaking
2 to just start drafting, or do you remember consulting with someone in particular about
3 this speech, at least the first person that you talked to about it outside of the
4 speech-writing office?

5 A The first person I talked to? I remember talking to Stephen about it at
6 some point. I'm not sure who the first person I talked to was.

7 Q Why don't we then try to set up some date parameters. You know the
8 President spoke on January 4th in Georgia for that rally we've been talking about?
9 You're aware of that?

10 A Yes.

11 Q Did you go to Georgia for that speech?

12 A I don't remember one way or the other.

13 Q You don't remember if you went to Georgia on January 4th, back and forth
14 that night?

15 A I believe I went to the first one. I can't remember whether I went to the
16 second one or not.

17 Q Do you know whether Vince went to the January 4th event in Georgia?

18 A I believe one of us would have gone, but I don't remember which one.

19 Q Is there something you could look at in your phone or your calendar that
20 would help you remember whether you traveled that day?

21 A I don't know about my phone or my calendar, but I -- I remember that I went
22 to the first one. I don't -- I don't remember whether I went to the second one or not.

23 Q Okay.

24 A They all kind of run together.

25 [REDACTED] Okay. So the -- well, then, why don't we look at exhibit 5.

1 And it's not Bates stamped or if it is, I don't know what it is because these are text
2 messages, Mr. Burlingame --

3 Mr. Burlingame. Yes.

4 [REDACTED] -- that were produced. So what we did is we broke out into
5 different exhibits the tabs that were in the spreadsheet that your team produced of the
6 text messages; okay. And so what we're looking at on exhibit 5 are messages that are
7 represented to be between Mr. Worthington and then Ted Royer and Vince Haley.
8 Okay.

9 [REDACTED] And, if you need the Bates, it's 2307.

10 [REDACTED] [REDACTED] is speaking.

11 Is that for the spreadsheet as a whole?

12 [REDACTED] Yes.

13 [REDACTED] Okay. Thank you.

14 And so this is a subset of that.

15 Mr. Burlingame. Bear with me a second. I brought with me -- I did print out
16 those. I don't have Bates numbers on my version, but these are the texts with Vince?

17 [REDACTED] It is with Vince and Ted Royer. There's a separate set with just
18 Mr. -- with Vince by himself.

19 Mr. Burlingame. So this is exhibit 5? Correct?

20 [REDACTED] It is.

21 Mr. Burlingame. Yeah, the witness has a hard copy in front of him.

22 [REDACTED] Great.

23 BY [REDACTED]:

24 Q So this is just to set some date parameters, Mr. Worthington.

25 If you look in the middle, I'll direct your attention to the message that looks like

1 it's listed as outgoing from you, so you sent it, and it's logged here as January 5th of 2021,
2 at 1:40 a.m. But that's UTC time, so you have to minus 5 hours, and so that's 8:40 p.m.
3 on January 4th.

4 And the message that you send is -- it begins, "Yes, although."

5 Do you see that message?

6 A Yes.

7 Q Okay. So I'll just read it. It says: Yes, although we are crashing on the
8 Wednesday rally. Wednesday may be better. But let's make sure to talk before.
9 Might also be worth you talking to Stephen again before. He probably has a lot of
10 insight into the VP.

11 Now, I'll tell you that we don't have a message that this is in response to. It
12 seemed as if you're writing in response to something, and it's not clear what that is,
13 unless you can help us understand as you look at it what you think -- what you seem to be
14 responding to.

15 A Um, you're saying the rally was on the -- you're saying the Georgia rally was
16 on Wednesday --

17 Q No. The Georgia rally was on Monday the 4th. January 6th was the
18 Wednesday --

19 A Okay.

20 Q -- which is when the Ellipse speech was.

21 And what I'm asking is -- I don't know because I'm not you, but I don't know what
22 this message is. It seems to be a response to something, and it's listed as coming from
23 you, and I don't see something on this list that it's in response to.

24 A I don't know what it's in response to.

25 Q Okay. But it's the evening of January 4th when you send it, and you say:

1 We are crashing on the Wednesday rally.

2 So that must be a reference to the January 6th Ellipse rally. Right?

3 A January 6th was a Wednesday?

4 Q It was.

5 A Then, yes, I would say that's it.

6 Q And you're writing -- what role did Ted Royer have with regard to the
7 January 6th speech?

8 A I don't -- I don't recall Ted having a role in drafting that speech.

9 Q Okay. And you said earlier that Vince Haley was jointly responsible with
10 you for drafting the speech so far as the speech-writing office is concerned?

11 A Yeah, in that Vince and I were -- we did the first drafts of the rally.

12 Q Okay. Now, you say at the end of here, the last two sentences: Might
13 also be worth you talking to Stephen again before. He probably has a lot of insight into
14 the VP.

15 What was that a reference to? Is VP for Vice President?

16 A The VP would be the Vice President.

17 Q Okay. And so what insight were you referring to there about the Vice
18 President on the night of the 4th?

19 A We were trying to get Ted a job as the Vice President's speechwriter.

20 Q Okay. And so that would explain why in the message above where you
21 write out: Ted, when are you supposed to chat with the veep? Any update?

22 Would that make sense? It's about whether he would get a job with the Vice
23 President?

24 A I believe that Ted had some type of interview with the Vice President
25 regarding that.

1 Q Now, when you say, "We are crashing on the Wednesday rally," do you -- it
2 suggests -- you tell us what happened -- that you had a condensed amount of time to
3 work on the speech for the Wednesday rally on January 6th? Is that right?

4 A I remember it being done in a fairly short period of time, yeah.

5 Q Okay. You said you remember speaking to Stephen Miller at some point
6 about the speech, and we'll get to that, but you don't have any memory of any -- of who
7 the first person is outside of the speech-writing office who you talked to about what the
8 purpose of the speech was, what the -- the themes the President wanted to have in the
9 speech, any of that sort of thing?

10 A Well, the purpose of the speech -- I remember calling Max Miller to find out
11 what was going on at that event.

12 Q When did you call Mr. Miller?

13 A I'm not saying that Max is the first person. I don't remember. But, in
14 terms of you asking, like, to find out what the event was, I would have talked to Max
15 Miller at some point.

16 Q Well, Mr. Miller dealt with putting on events, right, in terms of the logistics?

17 A He was the advance guy, I believe, yeah.

18 Q I think Bobby Peaty (ph) was the advance guy. Mr. Miller had come back.
19 Isn't that right?

20 A I thought of them both as being advance. I'm not sure what the distinction
21 was.

22 Q Okay.

23 A That they put on themselves.

24 Q But put aside logistics for the event, in terms of the substance of what the
25 President would be saying, who did you first talk to about what he, the President, wanted

1 to say at that event?

2 A Um, well, I'm not sure who the first person I talked to was.

3 Q Okay. Who are the people that you spoke to about -- before you started
4 drafting about what the President wanted to convey in that speech, whether first,
5 second, or last? Who were the people you talked to?

6 A Well, I don't know about before or during the drafting, but I remember
7 talking about -- talking -- I believe we heard from somebody in Outer Oval, like Molly
8 Michael and/or Nick Luna, some things about what he had in mind. I believe we heard
9 something from Meadows, and I believe we talked to Stephen at some point.

10 Q Okay. And when you say "we," are you referring to you and Mr. Haley?

11 A Yes.

12 Q Okay. So let's start with -- the first person you mentioned was Molly
13 Michael. What do you recall her telling you about what the President wanted to convey
14 during the January 6th speech?

15 A She -- Molly may have called Vince. I don't remember the exact details, but
16 the message that I recall was that he wanted to list all of the election sort of complaints
17 throughout the States, and I believe Molly told us that there was a document from
18 Giuliani's team that he wanted to make sure that we incorporated.

19 Q And do you know, what was that document?

20 A I believe it was the list of sort of claims about irregularities.

21 Q Did you get that document that you remember?

22 A I believe we would have had that document from them, yeah.

23 Q I'm not sure that I have seen it in the production that you made from your
24 personal Gmail or your personal documents.

25 Do you recall whether you received that in your personal email account or if you

1 got it through your official White House account?

2 A I don't recall whether it was ever emailed to me at all.

3 Q You had it in hard copy?

4 A I don't remember exactly what form. It may have been emailed to
5 someone else. It may have been a hard copy.

6 Q But you definitely recall seeing it yourself; you put eyes on it?

7 A I don't know if I -- I don't know if I went through it; but I believe that we
8 received it in some fashion, yeah.

9 Q Because, if the President wanted it incorporated, you had to have the
10 document to look at as you drafted the speech, I imagine?

11 A Um, well, I -- we certainly had the document. Um, I -- my memory is that
12 we gave it to our researcher to confirm that everything that was in that document was in
13 the speech or, you know, the things that he thought to make sure it was comprehensive.

14 Q And was this researcher you're referring to Mr. Bock?

15 A Yeah, Will was our researcher.

16 Q So that was Ms. Michael. Did she tell you anything else about what the
17 President wanted said in his speech?

18 A I think what I just said was the message, to my memory.

19 Q The next person you mentioned was Nick Luna. What did he tell you about
20 what the President wanted to say in his speech on January 6th?

21 A I think Luna may have just followed up about the document with Rudy in
22 some capacity.

23 Q What does that mean?

24 A I think he may have called about it. I remember him talking to Vince, I
25 think.

1 Q Called to talk about what concerning the document?

2 A Just to report the message.

3 Q The message that it needed to be incorporated into the speech?

4 A The message that, yeah, the President -- that there was a document from
5 Rudy that the President wanted incorporated.

6 Q And then you said you spoke to Mark Meadows about the speech. And
7 what did Mr. Meadows convey to you about what the President wanted in the speech on
8 January 6th?

9 A I believe the message that we got from Meadows was that he
10 wanted -- similar message, that the President wanted it to be sort of like a comprehensive
11 list.

12 Q And, to what end, Mr. Worthington? A comprehensive list of complaints,
13 but for what purpose? What was the intent behind the speech, as you understood it?

14 A I understood the speech to be his last, you know, rally and -- yeah.

15 Q And the way you have described the difference between events, I take it this
16 January 6th speech was a political event?

17 A I thought of it that way -- I mean, it was unclear. I thought of it that way at
18 the time.

19 Q Certainly you used your personal devices to work on the event consistent
20 with a political event? Is that right?

21 A Yes, that's correct.

22 Q And you said it was his last -- that is, President Trump's last rally, but rally for
23 what purpose? Again, what did you understand was happening on January 6th?

24 A Well, what I understood was happening, which I believe I heard from Max
25 Miller, was that there was a preexisting event that day of people who were coming to

1 protest, or whatever, and that the President had agreed to speak to them.

2 Q And did you understand that Congress would be meeting that day to certify
3 the electoral college vote?

4 A Yeah, I think I was aware that that's what the event was about.

5 Q And did you -- on January 4th, as you're referring to the rally and you're
6 drafting this speech, did you have an understanding of what the Vice President, Vice
7 President Pence, intended to do on January 6th, or was that still an open question as you
8 were drafting the speech?

9 A I don't recall even being keyed in on that issue. I mean, I think I was aware
10 from media reports that there were people talking about various theories, but I don't
11 remember on January 4th even being cued in on that.

12 Q And did anybody tell you before you started drafting or while you were
13 drafting to specifically mention the Vice President and whether he would or would not
14 certify the votes of the electoral college?

15 A No, I don't believe so.

16 Q Now, did you have an understanding as you were drafting when in the day
17 President Trump would be speaking; before, during, or after Congress would be in session
18 on January 6th?

19 A I don't recall thinking about the issue of when Congress ran its session
20 compared to when his speech was.

1

2 [3:04 p.m.]

3 BY [REDACTED]:

4 Q Now, we've talked that Mr. Bock assisted you with research on this speech.

5 Is that right?

6 A Yes.

7 Q All right. And Mr. Haley was working with you on the speech, right?

8 A Yes, Vince sort of helped.

9 Q We've seen, is it right, that Patrick MacDonnell worked with you on this
10 speech?

11 A That's certainly possible.

12 Q So in terms of the timeline that you had to write the speech, you said you
13 remembered it being on a, for lack of a better term, a condensed schedule. Did that
14 stand in contrast to prior speeches you had written, out of the ordinary for your time
15 working for President Trump?16 A No, I don't think it was out of the ordinary in terms of how far in advance we
17 would -- we wrote a lot of speeches, so --18 Q And, again, do you remember putting pen to paper on the speech before you
19 got back from Mexico?20 A I don't remember precisely. I believe we were probably concerned about
21 the Georgia rally. We had to do -- you got to do the first thing first.

22 Q Right. Triage. I get it.

23 And so if we look at exhibit 3, these are -- again, we broke them out based on the
24 tabs and what was produced, Mr. Burlingame.25 Mr. Burlingame. Sure.

1 [REDACTED] And this tab had in it two text messages. I'm just going to focus
2 your attention on this particular one, the first one in exhibit 3, which maybe you can see
3 on the screen.

4 Mr. Burlingame. I have a hard copy of exhibit 3 in front of the witness.

5 [REDACTED] Great.

6 BY [REDACTED]:

7 Q And so this message is -- it's an outgoing from you to what looks to be
8 Patrick MacDonnell and Kash Patel. The first name is K-a-s-h [inaudible].

9 A Yes.

10 Q And I understand that Mr. Patel is a friend of yours from your time serving
11 together in the administration?

12 A Yes.

13 Q And the date and time of this message is, it's listed here as January 2nd,
14 2021, at 4:03 p.m. So if you just back out the 5 hours, because this is at UTC, it's January
15 2nd at 11 a.m. And you say to them, "Just want to make sure you give the draft the
16 once over."

17 Do you know what draft you're referring to in that text message?

18 A My memory is that it may be the Medal of Freedom remarks for Devin
19 Nunes, possibly. I don't know when Jim Jordan's Medal of Freedom was, but I think it
20 was Devin Nunes' Medal of Freedom.

21 Q Okay. So just wanted to make sure. So not the draft of the January 6th
22 speech. That's why we asked.

23 A Correct.

24 Q So I think what'd be helpful is, we're just going to go through the iterations
25 of the draft, Mr. Worthington. And so what we've done from a process point and what

1 we produced and have labeled as exhibits is the drafts that you sent or received of the
2 January 6th speech, but then we ran red lines to compare them as best we could. All
3 right?

4 And then we'll show you those, and we'll walk through the things that were taken
5 out or added. Okay?

6 The first draft that we have that you produced is at exhibit 43. And just for the
7 benefit of Mr. Burlingame, that's Bates number 2641.

8 Mr. Burlingame. Thank you.

9 BY [REDACTED]:

10 Q And in terms of the date and time, as we've talked about, Mr. Worthington,
11 if an email -- the top email in a chain produced from your account is going to be in UTC, so
12 you subtract 5 hours. And so this email is sent from you to Mr. Bock on January 5th of
13 2021 at 12:55 p.m.

14 This is the first draft we have from what you produced. To your knowledge, is
15 this the first draft that you would have sent to anybody else? Would you have had a
16 draft anywhere else that you were working on?

17 A I think everything I produced is everything that I have. I think it seems
18 probable that that was an early draft. I don't know if it was -- you know, Google Docs,
19 you don't have, like, draft, draft, draft, revised.

20 Q Fair enough. But given that in your view at the time was a political event,
21 you would've been working on this speech on your -- in Google Docs on your personal
22 computer. Is that right?

23 A I believe that's correct.

24 Q Now, this -- I'm just going to walk through this initial draft.

25 And do you happen to have this in hard copy, Mr. Burlingame, for

1 Mr. Worthington?

2 Mr. Burlingame. Let me check. I can certainly get it.

3 I do not appear to that have one with me in hard copy.

4 [REDACTED] Okay.

5 Mr. Burlingame. You want to see if you can pull it?

6 [REDACTED] As we walk through this, it might help if we took a break anyway,
7 since we're at 3:09.

8 And if, Mr. Worthington, if you just review this speech, and I'll say a few things
9 before maybe we take the break, because then as we track the red lines, it's easier to talk
10 about because you'll know from a baseline what was in this initial draft and then we could
11 compare going forward.

12 But rather than have you read it on the screen as we sit here, if we took a 10- or
13 15-minute break, that might be helpful. Okay?

14 Mr. Burlingame. Is there other -- I'm sorry, [REDACTED] Are there other documents
15 that you want to be sure we have in hard copy format for this line of questioning?

16 [REDACTED] No. I think this will work because, again, with the red lines, we can
17 walk through and point to things more easily on the initial draft.

18 Mr. Burlingame. Sure.

19 [REDACTED] And so I'll just ask you to look for a few things, Mr. Worthington, in
20 this draft -- or the absence of things -- and then when we come back, we can ask about
21 those.

22 Mr. Burlingame. All right.

23 [REDACTED] But if you can just review this in this draft, exhibit 43, for any
24 mention of Vice President Pence. If you could also look to see whether there's any
25 discussion of the attendees at the rally themselves stopping the steal, and I use that term

1 specifically; whether there's any mention of President Trump himself going to the Capitol
2 with the attendees after his speech is over; if there's any mention in this draft of illegally
3 appointed slates of electors.

4 And I think that'll cover it. So hopefully that's clear. And, again, it's just review
5 it, read it, so you're familiar, and we'll come back and talk about that.

6 Mr. Burlingame. All right. That's Bates number 2641, it's the first page?

7 [REDACTED] Yep. That's right.

8 Mr. Burlingame. Okay.

9 [REDACTED] And so why don't we, if it's 3:11, if we come back in -- if you need
10 longer, just let me know -- but maybe 3:20? And we'll just wait for you to come back on
11 camera when you --

12 Mr. Burlingame. Let's say 3:25.

13 [REDACTED] Sure.

14 Mr. Burlingame. Let's shoot for 3:25.

15 [REDACTED] Okay. We'll go off the record now, and we'll see you then.

16 Mr. Burlingame. Thank you.

17 [Recess.]

18 [REDACTED] So we're back on the record at 3:30 on the dot.

19 BY [REDACTED]:

20 Q Mr. Worthington, were you able to review that draft of the speech in exhibit
21 43?

22 A I was able to review the document, yes.

23 Q Okay. You used the term "document" just now. Is it not a draft of the
24 speech?

25 A I believe it's part of a draft of the speech.

1 Q Okay. And I neglected to ask before we got to this, another person you
2 said you spoke to about this speech and its parameters was Stephen Miller.

3 What did he tell you about what the President wanted in the speech?

4 A I don't recall specifically. My memory is that we had been over this ground
5 many times at this point.

6 Q About the election complaints, as you put it?

7 A Yeah.

8 Q Okay. And just if you'll indulge me, just prior to you sending this email to
9 Mr. Bock, in exhibit 42, which is Bates number 2640, which we'll flash up, there's just an
10 email you sent yourself at 12:54 p.m. on the 5th of January. Do you see that? It's just
11 four lines. They look like notes. Were those just notes to yourself for the speech?

12 A I don't remember specifically.

13 Q Okay. Do you remember on January 5th, which was a Tuesday, whether
14 you had any meetings outside of the Executive Office Building, so at the West Wing, with
15 anyone about the speech?

16 A I believe we met with Stephen on that day.

17 Q Do you remember when that was in the day? Was it more than once or
18 just once?

19 A I know at least once. I don't remember if it was more than that.

20 Q And so you don't know whether what we're looking at, exhibit 42, if these
21 would've been notes you were taking during a meeting with Mr. Miller?

22 A I don't remember.

23 Q And so then turning back to exhibit 43, I think you called it, I guess, a portion
24 of this speech. Why do you refer to it in that way?

25 A Well, partially because it doesn't have an ending.

1 Q We were going to get to that. Okay. So this is a work in progress at this
2 time. Okay.

3 Why did you --

4 A I believe it's a portion of the speech.

5 Q Why did you send it to Mr. Bock at this time, if it's just a portion of the
6 speech? Do you remember?

7 A I believe so he could start fact-checking and making sure that we were
8 complying with the request we received to have a comprehensive list of the things the
9 President had said.

10 Q All right. So we'll get to those facts in a moment. But I'll start on this first
11 page of exhibit 43, and in brackets in the second paragraph in all caps, it says, "OTHER
12 RECOGNITIONS."

13 Am I right that you, in later versions of the speech, you fill this in after reaching
14 out to Max Miller to get some details from him about the event?

15 A I don't remember the exact timing of me reaching out to Max Miller, but I do
16 know that I asked Max Miller for who needed to be recognized. And this is a
17 placeholder for recognitions.

18 Q Okay. And then if we turn to page 2 of this exhibit, and I'll just read the
19 first -- starting with the first full sentence in the carryover paragraph that says, "Later
20 today, Congress will begin considering whether to certify the results of the electoral
21 college. I know that everyone here will soon be marching up to the Capitol to peacefully
22 and patriotically make your voices heard. We will not remain silent while the Democrats
23 and the media try to steal this election."

24 So I read that, and I'll ask you a few questions.

25 So we talked earlier about whether you understood the President would be

1 speaking before, during, or after the congressional session on the 6th. Does this help
2 jog your memory about what you knew about when the President would be speaking?

3 A I believe --

4 Q That first sentence I read.

5 A Oh, it says, "Later today." So, yeah, that's probably right.

6 Q Probably? I mean, I imagine it says right here that you understood --

7 A Yeah.

8 Q -- he was speaking before the session in Congress, right?

9 A It looks that way.

10 Q It does. Okay.

11 And the second sentence is, "I know that everyone here will soon be marching up
12 to the Capitol to peacefully and patriotically make your voices heard."

13 Where did you get that as an expectation for what would happen that day?

14 A As I said, I talked to Max Miller, who I remember told me it was a
15 preexisting, planned march, which is not an unusual thing in Washington, D.C., and that
16 was what I understood the event was.

17 Q So it's -- did Mr. Miller direct you to any sort of website or advertising about
18 the event that talked about whether people would be marching from the Capitol -- excuse
19 me -- from the Ellipse to the Capitol?

20 A I think he told me about it on the phone.

21 Q And what did you understand was the purpose of people going to the Capitol
22 when you wrote those words, to do what?

23 A My understanding was, it was a protest march.

24 Q And to protest what in particular at the Capitol?

25 A To protest the election.

1 Q The election or the certification of the electoral college?

2 A Well, I understood it was grievances about the election they were protesting
3 while the certification -- you know, the day of, that that was why they were there that
4 day.

5 Q At any point were you involved in any discussion or consideration about the
6 potential security risk of people going to the Capitol while Congress was in session on the
7 6th? Did that ever come up as a topic of discussion?

8 A I don't believe so.

9 Q Had you ever written a speech for the President in your time in the
10 administration where he was directing people to engage in a protest that same day that
11 he was speaking?

12 A Well, I don't know that I would interpret this as him directing them to
13 engage in a protest. I interpret this as understanding that that's what the event that he
14 was speaking to was.

15 Q Okay. Well, we'll get to that point later.

16 But I guess what I'll ask is, did you ever write, before this speech, a speech for
17 President Trump in which he was addressing people that would be engaging in a protest
18 that same day?

19 A Well, I mean, I don't know. March for Life, things like that.

20 Q Is that something he had appeared at before and spoken at and that you
21 wrote the speech for?

22 A I believe he spoke at the March -- I think he appeared at the March for Life,
23 is my memory. I believe he was the first President to go there in person.

24 Q And continuing on, in the next paragraph it says, "I want to thank more than
25 140 Members of the House," and then goes on to list several names of Senators.

1 Do you remember where you got that information from, about who the people,
2 the Members of Congress and Senators who would be objecting to the certification of the
3 election, who gave you that information?

4 A I don't remember. Maybe news reports or I may have asked someone for
5 it.

6 Q And you end that paragraph there with, "History will record that these 14
7 Senators bravely stood up to stop the steal." Do you see that?

8 A Yes.

9 Q Okay. Now, in the break I asked you to review this speech to see if
10 anywhere in it, in this first draft, there's a reference to the people attending the rally
11 themselves stopping the steal. Did you see that anywhere within this draft?

12 A I don't think so, although, as I said, I'm not sure this is the whole thing.

13 Q All I asked was in this, what you sent, when you reviewed it on the break, did
14 you see in here a reference to the rally-goers themselves stopping the steal on January
15 6th?

16 A I didn't see that in this, no.

17 Q Okay. And was there a reference anywhere within this, exhibit 43, this
18 draft, a reference to Vice President Pence?

19 A I don't believe so.

20 Q All right. Now, further down on page 2, it says -- there's a paragraph that
21 starts, "So today, for the sake of your democracy, for the sake of our Constitution, and for
22 the sake of history, we will lay out the facts for the entire world to hear."

23 Do you see that?

24 A Yes.

25 Q All right. And then there's, I think it's fair to say, several pages worth of

1 facts about the election. Is that right?

2 A Yes.

3 Q Okay. Where did all of these facts come from?

4 A My recollection is that -- well, in the speech, you know, I don't remember
5 exactly what in each draft, but my recollection is there were several sources for what
6 went into the speech. You know, he'd spoken about this many times before, and so
7 there was -- we'd been over this before. And then I believe we were given a couple of
8 documents. I don't know whether that's reflected in this or not.

9 Q So the several sources, one of them you said was prior speeches by
10 President Trump?

11 A Correct.

12 Q All right. And two were documents you were given. You've spoken of
13 one, a document by Mr. Giuliani. Is that right?

14 A Yes.

15 Q Okay.

16 A I don't know whether that -- whether that stuff is in this -- at this particular
17 time or not, but that happened at some point.

18 Q What was the other specific document you were referring to when you said
19 that there were documents, plural? What were you given?

20 A One, Meadows gave us some type of document from -- which I believe came
21 from Cleta Mitchell.

22 Q And what was in that document that you remember?

23 A I believe it was claims about the election. There may have been other
24 things, but that's what we were looking at.

25 Q And how long was that document, do you remember?

1 A I don't. I don't. We gave it to our researcher.

2 Q But was it more than, say, a page or two, longer than that?

3 A I don't recall.

4 Q You don't have any sense of just generally was it a tome or less? Just trying
5 to get just a rough sense.

6 A I would just be speculating.

7 Q How about the Giuliani document?

8 A That, too, I think I would just be speculating. We gave both documents to
9 our researcher who also had -- go ahead.

10 Q I'm sorry. You gave them both to your researcher, Mr. Bock.

11 A Correct.

12 Q And what were you going to say?

13 A Who also had his own list.

14 Q What list did he have? What was that from?

15 A I believe he had a list of the various -- he was sort of keeping a master
16 compendium, I believe, from what had been in previous speeches and that type of thing.

17 Q And to that point, look at exhibit 68. And for your benefit, this is the
18 document I said we added. It starts with Bates number 2476.

19 Mr. Burlingame. We have a hard copy in front of us.

20 [REDACTED] Great.

21 And so as you'll see there then, Mr. Worthington, is this the compendium that
22 you're referring to that Mr. Bock sends you on January 5th at 10:36 a.m., entitled
23 "Election Numbers"?

24 The Witness. Probably something -- yeah, it would've been something like -- this
25 is January 5th. I believe so.

1 [REDACTED] And if you look at page 9 of exhibit 68, for instance, it looks to be on
2 there, there's something titled in bold in the middle, "Election Update, November 23rd,"
3 and it looks to be a speech by the President, right, or remarks by President Trump?

4 Mr. Burlingame. That's our page number 8?

5 The Witness. That just looks like the former speech to me.

6 BY [REDACTED]:

7 Q Right. So to your point about how prior speeches by President Trump
8 could be used as sources for the January 6th speech, right?

9 A I believe Will would've made the determination about what could be used as
10 a source. But, yeah, I believe that certainly it built on itself.

11 Q Okay. And what else? You've mentioned prior speeches, you've
12 mentioned the Meadows document from Cleta Mitchell, the Giuliani document, and this
13 compendium by Mr. Bock. What other sources of facts were there for the January 6th
14 speech?

15 A I mean, that's all that comes to mind right now. I'm not saying there
16 weren't others, but those are the main ones that come to mind.

17 Q When did you receive the Giuliani document, what day?

18 A I think it would've been the day before.

19 Q Why do you remember that, that you got it on that day, January 4th?

20 A Well, maybe it wasn't. But I don't remember being particularly cued into
21 the speech. Maybe it was January 4th.

22 Q Could it have been January 5th?

23 A It could've been.

24 Q How about the --

25 A I don't remember specifically what day we got that document.

1 Q And how about the document from Mr. Meadows that he told you was from
2 Cleta Mitchell, when did you receive that document?

3 A I don't remember the specific day, but it would've been right, you know, one
4 of those after I came back from Mexico certainly.

5 Q Did you -- did Mr. Bock have anyone helping him on the fact-checking for the
6 January 6th speech?

7 A I don't know.

8 Q How old is Mr. Bock?

9 A I don't know his exact age.

10 Q Sound right to you that he graduated college in 2018?

11 A Sounds right. He's young.

12 Q And when he left college, did he come straight into the role as a
13 fact-checker, or did he have a prior job before that?

14 A I'm not sure. I think he was an intern for us at some point, but I don't
15 know -- I think he had other jobs at the White House before. Yeah, he worked in
16 Presidential personnel before he worked for us as well.

17 Q So how long had he been serving in the role of fact-checker as of January 6th
18 of 2021, do you know? Was it less than a year, more than a year?

19 A I don't know exactly, but I remember that he was our intern from the first
20 summer of the administration.

21 Q I hear you. I hear on the intern. But it sounds like he had a different role
22 in the White House after he graduated for some amount of time. Do you remember --

23 A I don't remember exactly -- go ahead.

24 Mr. Burlingame. Let him finish his question --

25 The Witness. Okay.

1 Mr. Burlingame. -- before you start answering.

2 [REDACTED] And I didn't mean to speak over you either.

3 Thank you, Mr. Burlingame.

4 [REDACTED] Again, just trying to get a sense of how long, as of January 6th of
5 2021, Mr. Bock had been serving as a researcher in your office.

6 The Witness. I don't recall.

7 Mr. Burlingame. Hey, Sean, could we take just a short break, please?

8 [REDACTED] Yeah, happy to. You want to go just 3 -- 5 minutes?

9 Mr. Burlingame. Yeah, let's do 5 minutes. Thanks.

10 [REDACTED] Thanks.

11 [Recess.]

12 [REDACTED] It's 3:52 p.m. We can go back on the record.

13 BY [REDACTED]:

14 Q And so, Mr. Worthington, we were talking about Mr. Bock and the
15 fact-checking process.

16 Did you, yourself, conduct any fact-checking yourself for the January 6th speech,
17 that you can recall?

18 A I don't believe so. I think we relied on Will for fact-checking.

19 Q And so you said "we." And I'll say, did Mr. Haley, to your knowledge,
20 conduct any fact-checking himself?

21 A You'd have to ask Vince.

22 Q To your knowledge? You shared an office with him, right?

23 A Yes. But that doesn't -- we weren't always together. But --

24 Q Were you together on January 5th while this was being drafted?

25 A We were together for part of the day, and then I believe we went home.

1 Q Okay. So during the time you were in the office, do you remember him,
2 Mr. Haley, engaging in fact-checking himself?

3 A I don't remember Vince fact-checking.

4 Q So if we go to exhibit 8. And these are text messages just with Mr. Bock
5 himself.

6 Mr. Burlingame. The witness has a hard copy of that in front of him.

7 [REDACTED] Great. And I'm on page 3, at least of our exhibit, and it's going to
8 be a text message that's logged here as coming from Mr. Worthington on January 6th at
9 2:10 a.m. So right in the middle of the page, if we can zoom in on that. It starts with,
10 "Thanks for all your help today."

11 BY [REDACTED]

12 Q Okay. Do you see that message, Mr. Worthington?

13 A Yes.

14 Q Okay. So I'm going to just read it so we have it clear. It says, "Thanks for
15 all your help today. Incredible work. It would probably be prudent to check the thing
16 one more time just to make sure we can point to where we got everything. Meadows
17 was very clear with us about that."

18 And I should say the time, actually, it's 9:10 p.m. on January 5th if you take the 5
19 hours off.

20 So this is you thanking Mr. Bock, it appears, for his work on the January 6th
21 speech. Is that right?

22 A It looks that way, yes.

23 Q Are you aware of him having done any other work for you that day, on
24 January 5th, other than working on the speech for the next day?

25 A I don't recall.

1 Q Do you remember working on anything else on January 5th other than the
2 speech for the 6th?

3 A I don't recall. There were lots of other things going on.

4 Q Now, you said, "Thanks for all your help today." Did you understand
5 Mr. Bock to have been doing any work on the January 6th speech prior to January 5th?

6 A I don't remember.

7 Q And you say, "It would probably be prudent to check the thing one more
8 time just to make sure we can point to where we got everything." So what are you
9 telling him to do there?

10 A To -- I believe I'm telling him exactly what it says, check the speech one more
11 time and make sure we can point to where we got everything.

12 Q And when you say, "point to where we got everything," what does that
13 mean to you?

14 A Well, I believe we had documents from -- we had things that we'd been
15 asked to include from those two other sources that I mentioned, and I just wanted Will to
16 make sure that we could point to where we got everything.

17 Q Fair enough. And so, for instance, if we take the document that
18 Mr. Meadows gave you from Ms. Mitchell, if something was taken from that document,
19 you wanted to make sure that -- excuse me -- if in the speech you could point to -- the
20 draft of the speech -- we got this fact from the Cleta Mitchell document, right, that's
21 something that would count as checking to make sure we know where it came from?

22 A I believe that's correct.

23 Q All right. Was there any fact-checking conducted of what was in
24 Ms. Mitchell's document to make sure that was accurate, or was it simply a case of
25 saying, if it's in Ms. Mitchell's document, we can use it in the speech?

1 A Well, we were speechwriters, not lawyers, and what I understood we
2 received was the list of things that she had been -- she was recommending, yeah.

3 Q So what I'm hearing you saying, then, the answer is, you didn't look to -- that
4 there was no checking of her assertions in that document. It was just a matter of seeing
5 if it came from her document. You could use it if she said it in her document, you could
6 put it in a speech.

7 A I'm saying I don't -- I did not conduct any independent analysis of Cleta's
8 documents. Will as my fact-checker, I don't know what he did.

9 Q But you're his -- you were his supervisor, right?

10 A Yes, who I trusted for fact-checking, right.

11 Q And you're responsible for his work product?

12 A I would say he was responsible for his work product.

13 Q That then went into the speech that you would give to the President. So
14 you weren't responsible for what he did for the speeches you gave to the President?

15 A We were -- you know, I think what it says there. We were responsible for
16 making sure that we could point to where we got everything.

17 Q And that's all I'm trying to get at. So your expectation was that Mr. Bock
18 could say, I got something, say, from Ms. Mitchell's document, not that I independently
19 verified what Ms. Mitchell was saying in the document?

20 A I don't know that I thought about it that much. But I believe that was,
21 yeah, the level of -- that's what we would've asked Will to do.

22 Q Okay.

23 A We had been asked to include those things, and so we were.

24 Q And the last sentence in your text to Mr. Bock is, "Meadows was very clear
25 with us about that." And what is that a reference to? What are you trying to tell him?

1 A I believe we'd had a discussion with Meadows about when he had said the
2 President wants to have, like, a list of his complaints, I think we said, you know,
3 something like, "What does that mean?" And that's -- I remember that he said, you
4 know, make sure we can point to where we got everything, make sure you know where
5 things came from.

6 Q And you understood Ms. Mitchell's and Mr. Giuliani's documents to be the
7 universe of the President's complaints about the election?

8 A Not -- you're asking if that was the sum total?

9 Q Well, again, I'm asking. I don't know. I mean, is that what you
10 understood the universe to be, those two documents, or was there more?

11 A No, I didn't understand that to be the sum total of the President's
12 complaints. I understood that we had been asked to include those things.

13 Q Okay. And did you consider the President's complaints themselves all to be
14 factually accurate?

15 A Are you referring to the complaints in the speech?

16 Q Yes. The list of complaints that Mr. Meadows told you needed to be in
17 there, and what ended up in the speech, did you consider all of those to be factually
18 accurate?

19 A Are you asking if I believed what Cleta provided and Giuliani provided to be
20 factually accurate?

21 Q Well, the list of -- yes. Did you understand those to be factually accurate,
22 as a first-order question?

23 A I don't even know if I looked at them. I think I gave them to Will.
24 But -- or -- or Vince gave them to Will. But my understanding from Meadows was that
25 he thought those were good documents.

1 Q Good in what sense?

2 A I believe, you know, he was telling us that he thought those were solid
3 complaints.

4 Q And when you use the term "complaint" again, I just need to understand it,
5 because words matter. A complaint is not the same as factually accurate. Did
6 Mr. Meadows tell you that he said all of those things in those documents were factually
7 accurate or just that they reflected the President's complaints about the election?

8 A My memory is that Meadows was telling us that those were solid claims,
9 that we would --

10 Q So based on Mr. Meadows telling you that, that these were solid claims, you
11 felt comfortable putting them into the speech?

12 A We had been asked to put them into the speech. We had been told that
13 the President wanted them in the speech.

14 [REDACTED] Okay. I'll just stop here to see if [REDACTED] has any follow-up
15 questions.

16 [REDACTED] Yeah, just along those lines.

17 BY [REDACTED]

18 Q Mr. Worthington, did your approach, you and the speechwriting team, about
19 the inclusion of election fraud-related material in speeches, evolve over time, or was it
20 consistent throughout this whole period we've been talking about, from the election all
21 the way through the January 6th Ellipse speech?

22 A Can you clarify what you mean?

23 Q Sure. I mean, did you have any difference of perspective or understanding
24 of the veracity of those claims over time, or was your understanding of the veracity of
25 those claims and subsequent inclusion consistent throughout that period?

1 A I don't recall specifically. There may have been things that were dropped
2 along the way. I recall that by the time we got there it was a pretty well-trod ground.

3 Q Very well-trod ground. So by January 6th, for example, there had been 60
4 Federal lawsuits -- Federal and State lawsuits -- filed around the country raising
5 allegations of election fraud, none of which demonstrated any evidence that a judge
6 found constituted election fraud.

7 Did that affect your perspective on the veracity of those claims between when
8 they first came up after the election to January 6th?

9 Mr. Burlingame. Objection, foundation.

10 Go ahead and answer.

11 The Witness. Just to be clear, that's not what I meant by "well-trod ground." I
12 just meant that what the President wanted to say was clearly known to us. You know,
13 we'd heard him talk about it many times. He'd done rallies.

14 So we had a fairly good sense of what the President wanted to say. As his
15 speechwriters, our job was to give him what he would want to say.

16 [REDACTED] Yeah. I guess I'm understanding increasingly that what the
17 President wanted to say was the ultimate fact-check or the ultimate dispositive fact with
18 respect to whether or not something ended up in a speech.

19 Is that right, or was there an independent -- did you make an independent
20 assessment as to whether something was sufficiently correct or reliable to put in a
21 speech?

22 The Witness. I don't know if I would say it was the ultimate fact-check. What
23 I'd say is that we're writing a speech for the President, and we're trying to give him what
24 he would write if he were to sit down and do it.

25 [REDACTED] Yeah. By January 6th, there had been recount after recount in

1 every contested State. In Georgia, three separate recounts, two by hand, of every
2 ballot. Yet in the speech there are allegations about voter fraud in Georgia, and that the
3 result wasn't correct.

4 Again, was what the President wanted to say more important than the existence
5 of these recounts, the success or failure of the litigation, with respect to putting it in the
6 speech?

7 Mr. Burlingame. Objection, foundation.

8 Go ahead and answer if you can.

9 The Witness. My memory is that the -- it was contested, and the President
10 contested it, and many other people did as well.

11 [REDACTED] Well, the only contest was in the rhetoric. It wasn't in the courts
12 or it wasn't in the audits or the process within the State. So I'm trying to understand
13 what you mean when you say it was contested.

14 Mr. Burlingame. Objection, foundation and argumentative.

15 Go ahead. You can go ahead.

16 The Witness. I wasn't involved in the court cases, generally speaking. I
17 wouldn't represent that I was tracking every legal challenge, which is one of the reasons
18 that we were getting things from these lists.

19 But I don't remember believing that just because a court hadn't found something
20 at that point, that that meant that what the President was saying was false.

21 [REDACTED] Okay. So if the court had not found any evidence of fraud, if the
22 State had certified it, if the FBI Director had said we found no evidence of systemic voter
23 fraud in a particular State or overall, those facts were not sufficient in your mind
24 to -- those facts were still in contest? Is that what you're telling us?

25 Mr. Burlingame. Objection to the hypothetical form of the question and to

1 foundation.

2 [REDACTED] Those are not hypotheticals. Those are -- those are --

3 Mr. Burlingame. I'm not here to argue with you, sir. I'm here to just state my
4 objections.

5 [REDACTED] But just for the record, Mr. Burlingame, that's not a hypothetical.
6 Those are all -- those are actual facts as to the state of the election returns in Georgia and
7 other States on January 6th.

8 Mr. Burlingame. So now you're testifying? Okay.

9 [REDACTED] I'm just making those -- those are factual predicates, not
10 hypotheticals, as to the state of the work that had been done on these election fraud
11 claims at the time of the delivery of this speech on January 6th.

12 Mr. Burlingame. Those factual predicates have not been established in this
13 deposition other than through your purported testimony. That's the basis for my
14 objection.

15 [REDACTED] And I can let you know, Mr. Burlingame, that those are matters of
16 public record, Attorney General Barr's statements, the recounts in Georgia, and the
17 publicly filed litigation.

18 Mr. Burlingame. That may well be the case. You have not established that, and
19 that's the basis for my objection.

20 BY [REDACTED]

21 Q Okay. Mr. Worthington, let me just, again, make clear, let's assume
22 those -- all of those facts publicly available were palpable on January 6th. In your view,
23 that was still a contested fact, and therefore the inclusion in the speech because the
24 President wanted it was --

25 A What was still a contested fact?

1 Q The veracity of the election results in Georgia and these other six States.

2 A Are you looking at something in the speech in particular?

3 Q I'm just asking you, Mr. Worthington, in your mind as the speechwriter, the
4 person who primarily composed this speech, whether or not you believed that those
5 facts, all of the facts that [REDACTED] just went through with you, were contested or were
6 somehow still -- there was a live controversy as to the veracity?

7 Mr. Burlingame. Objection to the breadth of the question, to foundation.

8 The Witness. I think I'd have to look at specific claims, but, in general, yeah. I
9 mean, we had a fact-check, and my belief was that that our researcher was comfortable
10 unless flagged, and that we had been given documents that the legal teams felt were
11 comfortable.

12 It wasn't my job to go through and know everything about every legal challenge
13 that the campaign was up to. And I am aware that those things, people have
14 disagreements about the outcomes of those cases, many of them.

15 [REDACTED] Did you ever reach a point yourself where you were uncomfortable
16 with anything that you put in a speech draft, uncomfortable in terms of how accurate it
17 was?

18 The Witness. I don't recall. I thought of my job as being to give the President
19 the speech that, you know, it's his speech, and to understand what it is that he's trying to
20 say and give him a draft, in concert with others, that reflects that.

21 [REDACTED] So I guess the answer is no, you never felt uncomfortable that any
22 of the draft -- the language in the draft speech, this speech in particular, might not be
23 accurate, the facts that you put forth in that draft?

24 Mr. Burlingame. The witness' testimony is what it was. You can't put words
25 into his mouth.

1 [REDACTED] I'm just trying to get a straight answer as to whether you felt
2 comfortable or uncomfortable, Mr. Worthington, about any of -- excuse me -- if you ever
3 felt uncomfortable about the veracity of any of the facts in that speech draft.

4 Mr. Burlingame. He's been giving you straight answers. You're just not happy
5 with them, and you're getting increasingly argumentative.

6 [REDACTED] One more time, Mr. Worthington. Were you ever uncomfortable
7 about any of the factual representations in this speech draft?

8 The Witness. Uncomfortable? I don't remember being uncomfortable. I
9 remember having trust in our process and in Will and in the fact that the President said
10 these things before, and it was clear what he wanted to say, and that we had been given
11 documents from various members of the President's legal team that were responsible for
12 putting together his objections, and that that's what he wanted to say, and that that's
13 what my job was.

14 [REDACTED] So, no, didn't feel uncomfortable?

15 Mr. Burlingame. Objection. His answer is what he just gave you.

1

2

BY [REDACTED]

3

4

5

Q Okay. Well, sticking on the first draft document that we've got, Mr. Worthington, on exhibit 43, if we just look at page 7, which is the last page. And let me know when you're there. And at the bottom.

6

A Yep.

7

8

Q Just as you said it, it does look like it ends without an end to the speech, so to speak. It just kind of cuts off. Is that right?

9

A Yeah, that's what it looks like.

10

11

Q Okay. All right. So just holding that as a place, and then moving on to exhibit 45, which, Mr. Burlingame, is Bates number 2648.

12

13

14

I don't know if you have a hard copy, but I can -- as you look for it, if you do, it's an email that you sent to Mr. Miller, Stephen Miller, Vince Haley, and Robert Gabriel on January 5th at 3:30 p.m. with an attachment called "Stop the Steal Rally."

15

Mr. Burlingame. We don't have a hard copy.

16

[REDACTED] Do you have the copy there?

17

Mr. Burlingame. I don't have a hard copy of that one with me.

18

[REDACTED] That's okay.

19

BY [REDACTED]

20

21

Q If you look at it on screen, if you can see it, Mr. Worthington. Okay. You're able to see it?

22

A Yes.

23

24

Q Okay. This is the next version that you produced of the speech that we can see. And, again, at 3:30 p.m.

25

And now the first version you sent to Mr. Bock, as you said, for fact-checking, and

1 here you are sending it to Mr. Miller, Mr. Haley, and Mr. Gabriel.

2 Now, what would the purpose be of sending it to them at this point, was this a
3 fully formed draft, in terms of your process, why you're sharing it with Mr. Miller at this
4 time?

5 A I don't know. Is there a full draft?

6 Q It does have an ending. I mean, we'll get there.

7 Mr. Burlingame. Could we scroll down to the end, please?

8 [REDACTED] Yeah, happy to.

9 BY [REDACTED]:

10 Q If we look at page 9.

11 A Okay.

12 Q Okay. So it's 3:30 p.m. Is this the point in the process, now that you have
13 all the way through to the end of the speech, that you gave it to Mr. Miller, is the purpose
14 for him to start looking at it and reviewing it for edits himself?

15 A I believe so. I believe the purpose would've been to talk to Stephen about
16 it. And we may have talked to him earlier in the day. I can't remember.

17 Q Understood.

18 The staff secretary review process, you said sometimes that would happen in
19 tandem while Mr. Miller was looking at it, depending on the circumstances. But specific
20 to this speech, do you know when that process started, if at all?

21 A I don't recall.

22 Q Did it happen for this speech?

23 A I don't recall, but it would've been normal.

24 Q For it to have occurred?

25 A Yes, it would be normal for it to occur [inaudible].

1 Q And if you got comments back from the different components with equities
2 in the speech, would that have been -- I'm just asking on process. We didn't see
3 anything in your personal documents, so I don't know if it took place.

4 Would you have forwarded yourself comments you received so you could work on
5 the speech on your personal computer?

6 A That's a hypothetical. I really -- whether I would have forwarded it or not
7 probably wouldn't have been governed by the comments.

8 Q Okay. Do you know whether you shared a draft with anyone at the
9 campaign on the legal team to make sure everything was accurate from their perspective
10 and up to date? Do you know if that happened for this speech?

11 A I don't remember, but I don't believe so.

12 Q Do you know if anyone else on your team did so within the speechwriting
13 office?

14 A I don't know.

15 Q All right. So if we then turn to exhibit 47 -- excuse me -- exhibit 46. This is
16 the first of the red lines we created. And, again, we provided this last night.

17 So this is a red line versus the 12:55 version, and then now, what is this, 3:30 p.m.
18 version. And you can see in there, it's just a comparison. Blue is new text. Red is
19 strike-through or deletions.

20 Mr. Burlingame. And I'm sorry, [REDACTED], one more time. So 46 is a red line that
21 you generated, and it compares what?

22 [REDACTED] Sure. Exhibit 43 and exhibit 45.

23 Mr. Burlingame. Thank you.

24 [REDACTED] Sure.

25 BY [REDACTED]

1 Q I just want to look at the last page, to that ending that is now on the speech.
2 And do you recall whether -- this is going to be page 8. There are various edits
3 throughout the document, Mr. Worthington. Do you remember who, if anyone, was
4 giving you input between 12:55 and 3:30, when you sent it to Mr. Miller? Do you know?

5 A Between what time?

6 Q 12:55 p.m. and 3:30 p.m.

7 A I don't specifically remember.

8 Q And this ending that's now on the speech that wasn't in the 12:55, if we look
9 at the penultimate paragraph, it says, "I want to thank you all once again for being here
10 today. Now, go make sure that Congress hears your voice, sees your peaceful protest,
11 and knows that here in this country, the American People Rule!"

12 Did you draft that language?

13 A I don't remember.

14 Q Now, you sent this to Mr. Miller. So it was obviously in the -- it was added
15 to the version that you had yourself, right?

16 Is that right? This was being edited --

17 A What was the question? What was the question?

18 Q Was this version of the speech being maintained in your Google Docs, do you
19 remember?

20 A I don't remember whether it was Google Docs or possibly White House, but
21 probably Google Docs.

22 Q And the idea here in the draft for the President to say, "Now, go make sure
23 that Congress hears your voice, sees your peaceful protest, and knows that here in this
24 country, the American People Rule!" would you agree that was a direction to the people
25 at the rally to march to the Capitol?

1 A I think -- whether it's a direction? I think my understanding was that that
2 was just what the plan was, that the event was a march.

3 Q Right. But here it's the words, "Now, go make sure." I mean, these are
4 words that are in your draft. It's the President telling the people to go to the Capitol?

5 A It looks that way. I don't know if it's -- I mean, sure.

6 Q Did anybody tell you while you were drafting that, in fact, it was the desire of
7 President Trump to tell the people who would come to this rally on the 6th to go to the
8 Capitol? Did anybody tell you that was his plan?

9 A I don't recall that. As I have said, I understood that that was just what the
10 event he was speaking to was.

11 Q I hear that, and I'm being specific here. Did anybody tell you that it was the
12 President's desire to tell the people in the speech to go to the Capitol?

13 A I don't remember the answer to that.

14 Q So you don't know where these words came from, why this ended up in this
15 draft of the speech?

16 A I think it's probably just a normal rhetorical ending.

17 Q To go to the Capitol?

18 A Well, it says, "Make sure that Congress hears your voice." But, yeah, as I
19 said, I understood that that was what the event was. I believe other people understood
20 that's what the event was. I think it was just rhetoric.

21 Q When you use the word "rhetoric," just so we're clear, what do you mean by
22 that? Because you also say here, "Hears your voice," but, "sees your peaceful protest."
23 So it's a direction to go physically to a place, the Capitol. Is that right?

24 A My understanding was that's what the event was and -- yeah. I mean, I
25 think it means what it says.

1 Q Yeah. No, I get that. Again, there's, in your first draft, there's an
2 observation in there about how the President understood people would be marching to
3 the Capitol. And so that is about, I guess, in one way the nature of the event, that
4 people would leave the rally and go to the Capitol.

5 But in that first draft, it didn't have the President saying: Now, go make your
6 voice heard and have them see your protest. But that's added in the second draft. I'm
7 just asking why that was put in, if you know.

8 A As I say, I think it's just a rhetorical ending. I think you're probably
9 over-interpreting the distinction between those two things. I think they're consistent.

10 Q So the direction from the President to people to do something is the same as
11 just an observation by the President that people may do something?

12 A If you're asking me why it was put in, I don't think there was any particular
13 reason other than that that's -- - we would often say -- we would often have references to
14 what was happening in speeches.

15 Q And you're hitting on the point I brought up earlier, and thank you for
16 re-raising it. To be sure, at any political speech that the President or any politician is
17 going -- the purpose of it is to inspire or have people take some sort of action, political,
18 right?

19 But here this isn't just about go vote. This is to go to a particular place, the
20 Capitol, and protest that same day. And so I'm just asking, had you ever drafted a
21 speech where the President had done that before?

22 A You mean, given people an instruction to protest?

23 Q To physically move that same day and go and protest that day.

24 A Not that I recall.

25 Q Now, the next exhibit is exhibit 47. Yes, exhibit 47, if we can bring that up.

1 And this will be brief.

2 You send to yourself -- this is Bates number 2666, Mr. Burlingame.

3 Mr. Worthington, you send to yourself at 4:39 p.m. on January 5th an attachment,
4 "Stop the Steal Rally," a Word document.

5 And if you look at page 2, you can see again, it's the "Stop the Steal Rally" speech.

6 Okay?

7 And do you know why you would have been sending yourself, from your Gmail
8 account to your Gmail account, another version of the speech?

9 A When did I send it?

10 Q 4:39 p.m. So it's about an hour after you sent the version to Mr. Miller.
11 Or rather you sent it to your White House -- excuse me -- you sent it to your White House
12 account, it looks like, if you go up at the email on the first page.

13 Mr. Burlingame. Can we scroll back up? Thank you.

14 [REDACTED] Yep, yep, yep, that would be helpful.

15 The Witness. I don't recall specifically, but it's possible it was to print it.

16 [REDACTED] And if you were to print it, why would you do that? Would you
17 edit it in pen or pencil, or would you give it to someone else to review in hard copy?

18 The Witness. I mean, there's generic reasons why we would print it. I believe
19 that we went over this with Stephen.

1

2 [4:25 p.m.]

3 [REDACTED] Do you think you did it in person in the West Wing, actually, with
4 him with a version of the speech in hand to edit?

5 The Witness. I believe we met with Stephen sometime that afternoon.

6 [REDACTED] Okay. And to that point, exhibit 48, Mr. Burlingame, this is a
7 redline comparing exhibit 47, the 4:39 speech, with the exhibit 45, so between the 3:30
8 version and the 4:39 version. Okay.

9 Mr. Burlingame. And this is a redline that you generated?

10 [REDACTED] It is, it is. Not me personally, but my team.

11 Mr. Burlingame. Understood, understood.

12 [REDACTED] I would mess it up.

13 Mr. Burlingame. Me too.

14 [REDACTED] So, if you go through -- we can just page through and I'll show you,
15 but you'll see there aren't any really -- you would see if there were. There aren't any
16 real changes in this newer version, except there on page 2 you see, I think, a deletion of a
17 parentheses or something minor; okay. So we'll just page through --

18 Mr. Burlingame. What's this a comparison of?

19

BY [REDACTED]

20 Q Between the 3:30 version and the 4:39 that you sent to your White House
21 account; okay?

22 A Okay.

23 Q Between what you sent Mr. Miller by email and then what you sent yourself.
24 And, again, you can continue to see there's no substantive changes.

25 Right there, if you'll stop, [REDACTED].

1 Again, it looks like maybe a -- I don't even know what -- the spaces are taken out,
2 but no changes to words.

3 We continue on.

4 And you see there are no changes being made as we scroll through the document
5 of any substance.

6 Okay. And I do that -- and I apologize for being tedious about that -- but just so
7 that you can see.

8 To your point, do you remember this meeting that you had with Mr. Miller, who
9 was there with you in the West Wing? Was it just you and Mr. Haley and Mr. Miller?

10 A I believe it would have been me, Vince, and Stephen.

11 Q And what was Mr. Miller's reaction to your first draft of this speech -- or
12 what you had sent him at 3:30, I should say?

13 A I don't remember a generalized reaction.

14 Q Well, what reaction do you remember? What did you discuss during that
15 meeting?

16 A We went through the speech.

17 Q And what did he do as you were going through it; Mr. Miller, that is?

18 A It was generally our practice for him to read it. We would sit there. He
19 would offer feedback, some specific and some general.

20 Q And he liked to have a hard copy in hand for those meetings to review?

21 A That was our general practice would be to have the hard copy.

22 Q And, as he's going through and giving you his views during those meetings,
23 was it your practice to take notes yourself, or would he put notes on his hard copy, or
24 both? How would that editing process work?

25 A Vince and I would both take notes of both general feedback and specific

1 points.

2 Q This particular meeting on January 5th with Mr. Miller, again, was there
3 anyone else in the room, except for the three of you, that you can remember?

4 A Not that I can recall.

5 Q And were you taking notes during the meeting as Mr. Miller went through
6 the speech?

7 A I think I must have been.

8 Q Was Mr. Haley, to your memory, taking notes?

9 A Vince would generally take his own notes as well. I don't know -- you
10 would have to ask him if he was on this particular occasion but --

11 Q And Robert Gabriel, Mr. Miller's assistant, did he come in at all during the
12 meeting, that you can remember?

13 A Um, nothing sticks out in my mind about Robert being in that meeting,
14 but -- he sat outside the door, so he could have popped in in general.

15 Q Do you recall having edits to make, based on Mr. Miller's feedback to your
16 draft, during that meeting?

17 A I think, after that meeting, we produced another version.

18 Q So he did give you edits to incorporate?

19 A He gave us feedback.

20 Q Is there a difference between feedback and edits, just so I know your
21 terminology?

22 A Well, I mean, as I said, some of it would be general and some of it would be
23 like specific wording, but it was broader than edits.

24 Q Okay. So the next version you turned would incorporate the feedback
25 and/or edits that Mr. Miller gave you?

1 A I believe so.

2 Q Did Mr. Miller tell you that, prior to your meeting, he had discussed your
3 draft from 3:30 with anyone else?

4 A Um, I don't recall him saying that he talked to anybody else about the draft.

5 Q And this is now the afternoon of January 5th. Did he, Mr. Miller, give you
6 any information about what the Vice President, Vice President Pence, was planning to do
7 or not do during the Joint Session of Congress on January 6th?

8 A Not that I recall. I don't recall that.

9 [REDACTED] I don't know if you have any questions about the meeting.

10 [REDACTED] No.

11 BY [REDACTED]

12 Q Okay. So then, after that meeting, did you go back to your office with Mr.
13 Haley to incorporate the feedback and create the next version of the speech?

14 A After that meeting we either went back to our office, or we went home.
15 But, yeah, in general, we did the version of the speech.

16 Q Okay. So we'll look at exhibit 50, which is Bates No. 2623.
17 Mr. Burlingame. 2623?

18 [REDACTED] That's right.

19 BY [REDACTED]

20 Q And we'll start on the cover email. It has an attachment. And, again, I'll
21 represent this is the next version of the speech that we had in your production, Mr.
22 Worthington.

23 And this email is from you from your Gmail account to Mr. Miller and copying
24 Vince Haley, and it's on January 5th of 2021, at 7:40 p.m., and the subject of the message
25 is "Revised." And, again, the title of the document now is "Save America March."

1 A Okay.

2 Q And, if you turn to the next page, you see, again, it's the speech. So this
3 comports with your practice then, how you handled this one. You met with Mr. Miller;
4 he gave you feedback; you and Vince either went back home or back to your office,
5 wherever you were; you got back to work, and then you turned another version of this
6 speech and sent it him for his review. Is that fair?

7 A I would say, yeah, generally after we met with Stephen, we would turn
8 another version.

9 Q And does any of this talking about the timing refresh your memory about
10 when, if at all, the staff secretary review process was undertaken for this speech?

11 A I don't specifically remember about this speech. We had different
12 practices. It really depended on, like, the time of day and the speech, and sometimes
13 we would send them a draft while continuing to make edits. I don't remember.

14 Q But you're sure that the staff review process happened for this January 6th
15 speech?

16 A I don't believe I've said that I'm sure. I think I said it was our general
17 practice. It's possible that this -- yeah, I don't remember specifically whether this went
18 through staff sec or not.

19 Q So, if we look at exhibit 51, this is a redline that we generated comparing
20 exhibit 50, the 7:40 draft that you send Mr. Miller, against exhibit 47, the 4:39 p.m. draft
21 that you sent to yourself at your White House account and it sounds like you that you
22 would have printed to take to the meeting with Mr. Miller.

23 You know, I -- you can see as you go through the redline -- and, again, we provided
24 this last night or yesterday. You can see that there are many changes.

25 Do you recall whether you got any feedback from anyone other than Mr. Miller

1 before you turned this draft at 7:40 p.m.?

2 A I don't remember.

3 Q Okay. So, if we go up to the first page, and you see there, there's -- the red
4 is striking through, deleting what had been in your prior draft, and the blue is new words.
5 And you see that the new introduction is in blue under the title now, "Save America
6 March."

7 And if we scroll down just a few lines, and I'll just read this first paragraph now.
8 It says: I am honored to stand before tens of thousands of devoted American patriots
9 who are committed to the honesty of our elections and the integrity of our glorious
10 Republic. All of us here today do not want to see our election victory stolen by
11 emboldened radical left Democrats. Our country has had enough, we will not take it
12 anymore. Together, we will -- and this is in all caps -- Stop the Steal.

13 Who came up with that introductory paragraph, to the best of your memory, Mr.
14 Worthington?

15 A I don't remember, although parts of it sound like the President's tweets.

16 Q And in terms of the now saying what had not been in the prior drafts, saying,
17 "We will Stop the Steal," that concept of referring to the rally goes and talking about
18 them being in the "we" stopping the steal, do you know who that came from, in
19 particular?

20 A I don't remember.

21 Q Did that come from you?

22 A I don't remember. I remember that was the name of the event, I believe,
23 what they were calling it.

24 Q No, it wasn't. It was the Save America March.

25 We can look at your text messages with Mr. Miller, if you'd like, on that point.

1 Would that help?

2 A Well, my memory -- this is probably not worth going into. My memory is
3 that maybe the Ellipse thing was the Save America event and the -- there was also other
4 things going on, like there was a pre-organized -- the people who were coming, I think it
5 was named Save America at the last minute, the thing for the Ellipse, but --

6 Q You stopped right there. What were you going to say?

7 A No, I wasn't going to say anything else.

8 Q Okay. So you're referring to what you thought was another event beyond
9 the Ellipse rally. Where did you understand that to be?

10 A My understanding was that there was a preexisting event that was the
11 people that were in the protest march in D.C. and that when the President agreed to
12 speak at that, they set up a speech on the Ellipse.

13 Q Right. And that was called the Save America March as Mr. Miller told you,
14 but in terms of the term "Stop" -- you know, telling the rally goers that We will stop the
15 steal, again, did that come from you, to your memory, that language?

16 A Yeah, I --

17 Q Okay.

18 Mr. Burlingame. Let [REDACTED] -- no, you're fine, [REDACTED] My witness just
19 needs to let you finish your question before he starts answering.

20 [REDACTED] I think we're doing admirably all around given the virtual nature.
21 But, yes, go ahead?

22 Mr. Burlingame. Do you need the question?

23 The Witness. Yes.

24 BY [REDACTED]

25 Q And I don't mean to beat a dead horse. I'm just trying to focus on this

1 concept here now for the first time in a draft, document from Mr. Miller after having met
2 with him, it talks about the rally goers being part of this "We will stop the steal," but
3 before in your earlier drafts, that wasn't there. So I'm just trying to ask what you
4 remember about how that language got in this speech.

5 A I don't remember.

6 Q Now, if we go to page 2 of this redline, still on exhibit 51, and we scroll down
7 about to the middle, do you see that paragraph that starts: Now it is up to Congress.
8 It's toward the bottom, Mr. Worthington. It says, Now it is up to Congress to --

9 A Yes.

10 Q Okay. This is new verbiage added in this version of the draft at 7:49 p.m.
11 Now it is up to Congress to confront this egregious assault on our democracy. We have
12 come to demand that Congress -- continues on -- do the right thing and only certify the
13 electors who have been lawfully slated.

14 I'm just going to stop there.

15 This concept of lawfully slated electors was not in your prior drafts of this speech.
16 Where did that come from, in this version?

17 A I believe it came from that conversation.

18 Q With Mr. Miller, that is?

19 A Yes.

20 Q All right. And what did he tell you now about this concept of only certifying
21 electors who have been, quote, lawfully slated? What did he explain to you about that
22 and what it meant?

23 A I don't remember a discussion of it, a great discussion of it. It may have
24 just been a line edit.

25 Q Did he tell you whether there were conversations with the Vice President

1 that were ongoing about whether he had the authority to send back to the States electors
2 that, in the President's view, were unlawfully slated?

3 A I don't remember engaging with Stephen in discussion about the Vice
4 President.

5 Q Okay. And then it continues on in that same paragraph. The next
6 sentence is language that was there in the prior version. It says: I know that everyone
7 here will soon be marching.

8 Whereas previously it had said, "up to the Capitol," the redline shows that it's
9 changed to "over to the Capitol building to peacefully and patriotically make your voices
10 heard."

11 Do you know why the word "building" was added after Capitol in this version?

12 A No, I don't remember.

13 Q Now, if we go to the last page of this exhibit, on page 11 -- now, what I just
14 read to you again was the original language in from the beginning, a little change with the
15 building, but your first draft said: I understand you, the rally goers, will be going to the
16 Capitol.

17 What we saw at the end of your 4:39 draft and even your earlier 3:30 p.m. draft,
18 you had added -- or what was added at the end of the speech was the President saying to
19 the rally goers: Now go to the Capitol to have your voices heard so they can see your
20 protest.

21 If we look at the penultimate paragraph of the 7:40 p.m. draft, that ending has
22 changed, and now it says: Now it is up to the men and women of Congress to do the
23 right thing by their conscience, by their country, and by our Constitution.

24 And what's deleted is the language about the President saying: Go make sure
25 that Congress hears your voice and sees your peaceful protest and knows that here in this

1 country the American people rule.

2 Do you know why that direction to the rally goers was taken out?

3 A No, I don't remember.

4 Q Did you take it out? Was it your idea to take it out?

5 A I don't remember.

6 Q Was there any concern that you discussed with Mr. Miller during your
7 meeting with him, prior to inputting his feedback, about the President himself telling rally
8 goers to go to the Capitol as opposed to just observing that he understood people would
9 be going to the Capitol?

10 A I don't remember discussing that.

11 Q Now, the next draft is exhibit 54 --

12 Mr. Burlingame. Before we move on, if we get to a point where we can take
13 another break.

14 [REDACTED] Yes, absolutely. We're coming to the end here.

15 Would you rather just do it here, and we take until 5 o'clock? What do you
16 think?

17 Mr. Burlingame. You said we're coming to the end.

18 [REDACTED] No, I think probably no more than another hour, if that.

19 Mr. Burlingame. For the depo?

20 [REDACTED] Yes.

21 Mr. Burlingame. If we're talking another hour, then why don't we go ahead and
22 break now.

23 [REDACTED] Okay. Do you want to come back at 5 or sooner?

24 Mr. Burlingame. Take a 10-minute break.

25 [REDACTED] Okay. We'll see you in 10.

1 Mr. Burlingame. All right. Thanks, [REDACTED]

2 [REDACTED] Sure thing. We'll go off the record at 4:44 p.m.

3 [Recess.]

4 [REDACTED] We will go back on the record at 4:53 p.m.

5 We're back from the break.

6 BY [REDACTED]:

7 Q So the next one in line is -- I should ask, the notes that you took in your
8 meeting with Mr. Miller, Mr. Worthington, did you keep that in the same pad or pads that
9 your attorneys were able to get notes from and produce?

10 A I believe that the notes I would have taken would have been on the draft.

11 Q Okay. And do you know where you kept that hard copy of the draft with
12 your notes or what happened to it?

13 A I don't know. I don't believe I have it now. I mean, I turned over
14 everything that's in my possession.

15 Q Oh, no, I have no reason to doubt that. I'm just asking as a matter of
16 process internally at the White House, you had some documents from this. I don't know
17 if you would have kept it in your hard copy files at work or how that functioned.

18 A I don't know if I would have kept that or not.

19 Q And, again, I'll note in that last draft we just looked at and consistent with
20 what you said with your conversation with Mr. Miller that the Vice President, I think, did
21 not come up, there's no mention of the Vice President in that draft that you sent at
22 7:40 p.m. that we looked at.

23 And so, with that, we're going to turn to exhibit 54, and that's Bates No. 2341.

24 And if you just look down on that first page at the bottom email that starts the chain, you
25 see that on, Wednesday, January 6th, at 10:22 a.m. -- and I'll represent, and Mr.

1 Burlingame can confirm, that because this is down in the chain, that's the actual time
2 Eastern that this message was sent.

3 Mr. Burlingame. That's certainly my understanding based upon my discussion
4 with our IT person.

5 [REDACTED] Right.

6 BY [REDACTED]:

7 Q Now, Mr. Miller sends to you, Mr. Haley, Robert Gabriel a message
8 that's -- the subject line in all caps is "EDITS." Importance is high. And his message in
9 the body is: Start inputting these changes ASAP.

10 And then he follows up with an email, same chain, just a minute later, to the three
11 of you again that says: Then have a new version with red highlights marking POTUS
12 edits sent back to him ASAP as well.

13 So let me just start here. Between the time that you sent that version of the
14 speech at 7:40 p.m. the night of January 5th and when you received from Mr. Miller the
15 morning of the 6th, his message saying, "Input these changes," did you continue to work
16 on his speech that you can remember?

17 A Between what time and what time?

18 Q The night of the 5th and when you received this message from Mr. Miller the
19 morning of the 6th.

20 A Um, so after --

21 Mr. Burlingame. After 7:40 the night of the 5th when you sent this until the time
22 that you received that.

23 [REDACTED] I don't remember.

24 BY [REDACTED]:

25 Q And where were you the morning of the 6th? You know, can you just take

1 us up through the time that you received this email? Were you working from home?

2 Did you come to the office?

3 A On the 6th, I came into the White House.

4 Q And so would you have been at your office when you received this email
5 from Mr. Miller at 10:22 a.m.?

6 A Probably.

7 Q Okay. When you say you went to the White House, is that a way of saying
8 you went to the West Wing, or you just went to the White House complex that morning
9 and went to your office at the Executive Office Building?

10 A I did go to the White House complex. I believe most of the time I was in my
11 office, but I also remember going to the West Wing that morning as well.

12 Q And why did you go to the West Wing and at what time, if you can
13 remember?

14 A One thing I remember is going over to the Oval Office with Vince just to
15 check in with Molly and see if he had any edits, the President had any edits, but he wasn't
16 there.

17 Q Do you remember what time that was in the morning?

18 A No, I don't remember specifically. It was in the morning.

19 Q Why was it your expectation that the President had seen this speech and
20 might have edits when you went to check that morning?

21 A Well, normally the speech would be delivered to the President, you know,
22 through the staff sec process. So I'm sure that a speech must have been delivered to
23 the President sometime the night before.

24 Q And, while you were in the West Wing that morning, you said you did not
25 see President Trump at all; he wasn't there?

1 A I don't believe I saw the President that day.

2 Q Okay. Before you left the West Wing that morning, did you speak with
3 anyone else about the speech that you can remember?

4 A Um, anyone else? I remember when we went to the Oval Office, Brooke
5 Rollins was there, and we didn't speak with her about the speech, but we spoke with her
6 generically about the event that day.

7 We may have talked to Eric Herschmann, but it's a little hazy.

8 Q Did you see Mr. Miller when you were in the West Wing that morning?

9 A I don't remember if I saw Stephen or not.

10 Q Okay. So this email we're looking at when Mr. Miller sends you at
11 10:22 a.m. and tells you to start inputting these changes, would this have been after you
12 had been at the West Wing presumably?

13 A I believe so, but I'm not a hundred percent positive about that.

14 Q And then, in his followup message saying: Have a new version with red
15 highlights marking POTUS edits sent back to him ASAP as well.

16 When he refers to "marking POTUS edits," did you understand the edits that Mr.
17 Miller sent to you that morning came from the President?

18 A That was my interpretation of that email.

19 Q And then how would you send back to him the version? Is that email or
20 hand deliver? What does that mean?

21 A Robert may have -- I mean in general or that particular morning?

22 Q This particular morning. I mean, ultimately, you do send -- you input
23 changes and get it back to the President. Right?

24 A I don't know a hundred percent if it was me or Robert, but, yeah, somehow I
25 gather a new version got back to the President.

1 Q Okay.

2 A I guess I must have looked at it.

3 Q Do you recall being concerned that it was -- you didn't receive these until
4 about at least half an hour before the President was scheduled to appear at the rally, that
5 you hadn't received any feedback from him yet?

6 A No, I don't recall being overly concerned about the timing.

7 Q Did you call -- when you were in your office but before you received this
8 email, were you calling Mr. Miller or Mr. Gabriel to find out, or anyone, about what the
9 status of the President's review of the speech was?

10 A Not that I recall.

11 Q Okay. Was Mr. Haley -- you said he was with you that morning when you
12 went to the West Wing?

13 A When we went -- Vince and I went over to the Oval in the morning together.

14 Q Okay. And so, when you went back to your office, was Mr. Haley with you
15 at the Executive Office Building?

16 A I don't have a super clear memory of that. Vince would have been in and
17 out, as I recall.

18 [REDACTED] Okay. So, if we go to exhibit 55 -- it's not Bates'd, Mr. Burlingame,
19 but this is what your team produced to us as the native version of what was attached to
20 that prior exhibit that we looked at so that we could see the redline changes that Mr.
21 Miller sent.

22 Mr. Burlingame. Understood.

23 [REDACTED] Okay. All right.

24

BY [REDACTED]

25 Q And, just as we look at this document, this comes from Mr. Miller, and as

1 you said, you understood these, so far as you knew, to be edits from President Trump.

2 Did you understand President Trump himself to input line edits into a Word
3 document like this, Mr. Worthington?

4 A No. The President did not generally -- I mean, I don't know of any time that
5 he would enter edits in the computer.

6 Q So what was his process for giving edits on a draft, if you know?

7 A I don't know exactly what the process was this particular morning. There
8 were -- he would either -- in general, he would either dictate them or he would edit with
9 a pen, with a marker.

10 Q Okay. At the bottom of the first page, you'll see that added into the last
11 paragraph are a few sentences that start: Today we will see whether Republicans stand
12 strong for the integrity of our elections. And we will see whether Mike Pence enters
13 history as a truly great and courageous leader. All he has to do is refer the illegally
14 submitted electoral votes back to the States -- and you can continue to the next page as
15 we display it -- that were given false and fraudulent information where they want to
16 recertify.

17 Okay. Before you received these edits from Mr. Miller, Vice President Pence
18 hadn't been mentioned in any earlier drafts. So did anybody talk to you about why this
19 was added to the speech or the circumstances around why this was added?

20 A Not that I recall the reason why, no.

21 Q And then was there any fact-checking done of this assertion by your team
22 before the speech was finalized and sent back to the President, you know, on the point
23 about, for instance, illegally submitted electoral votes? Was there any fact-checking
24 done that you know of?

25 A I don't believe there would have been fact-checking done at that point of the

1 process.

2 Q And it says: All he, Vice President Pence, has to do is refer the illegally
3 submitted electoral votes back to the States that were given false and fraudulent
4 information.

5 Was there any fact-checking done on this statement about the false and
6 fraudulent information given to the States?

7 A You mean as it pertains to that particular line edit?

8 Q Yes.

9 A I don't believe so.

10 Q And then this assertion where they, the States that is, want to recertify, was
11 there any fact-checking done on that particular statement -- part of the statement about
12 the States wanting to recertify?

13 A I don't believe the President's edits were fact-checked.

14 Q Okay. And, as we continue on down the page, I'll just show you a few
15 places. There are actual comments to the side where -- right there, this one says: Add
16 where it fits. We won the great States of Texas and Florida -- and then continues on.

17 And then you go to the next page -- I'll just show you for your reference -- there's
18 a comment there on page 3. It starts off, in all caps: POTUS - mention Detroit
19 137 percent.

20 The fact that that comment starts "POTUS," how did you interpret that, or
21 how do you -- is that coming directly from the President, to your knowledge?

22 A I interpret that as a note from Stephen writing that down and --

23 Q Right here?

24 A Presumably coming from the President to Stephen in some faction.

25 Q And, on that point, in terms of how you would get information about what

1 the President wanted, you know, you talked about how when you would draft speeches,
2 you have to -- you're doing it as a speech that the President would want.

3 Was it Mr. Stephen Miller who would be the one who would generally convey to
4 you and Mr. Haley what the President wanted? Was he the conduit for that as a general
5 matter?

6 A As a general matter, there were many ways.

7 Q Okay. It sounds, then, at least Mr. Miller was one of those ways then?

8 A Yeah. Stephen would sometimes -- yeah.

9 Q And then continuing on in that same exhibit, 55, again, not many line edits,
10 but you get to another comment on page 5, right there where it says, you know, "Get the
11 exact number," which is a reference to what the margin in the Georgia vote was. In this
12 draft, it says: Only 11,000 votes. And, again, the comment says: Get the exact
13 number.

14 And if you could just continue through the rest of the document, you'll see there
15 are no further comments like that, just, again, a handful of line edits here and there.

16 And so, as you sit there, Mr. Worthington, you don't remember whether you
17 personally inputted these changes and addressed those comments?

18 A Well, I believe that most of the changes that are input in terms of the
19 comments, I think I may have merged in -- yeah, the two comments there, I think I have
20 may have addressed them.

21 Q I think there were three. It was about Texas, the great States of Texas and
22 Florida; there's the Detroit number; and then there's the Georgia.

23 And if you look at exhibit 56.

24 If you can bring that up.

25 This is not a document you produced, but, rather, it came from the Archives, and

1 it's stamped up in the upper left corner, P-R, and then it ends in the numbers 287. And
2 this is the Save America March speech. And what you can see is it's a redline, so
3 consistent with what Mr. Miller directed is keeping in red the President's edits and then
4 incorporating the comments.

5 As we go through, I'll show you, if we continue to go through and we get to
6 page 5 -- rather, page 4 -- I'm sorry. It's page 4, and towards the bottom, the last bullet,
7 if you see there now, that exact number of Georgia votes is there, 11,779. So that is one
8 of the comments is addressed.

9 And then you continue on to page 5; towards the bottom in red, you'll see the
10 Detroit comment. It says: In Detroit, turnout was 139 percent of registered voters.
11 So that addresses the second comment.

12 And, if you go to page 7, you'll see right there in the middle in red, We won the
13 great States of Texas and Florida, continuing on, so addressing the third comment.

14 So this document from the Archives appears to be -- tell me if you agree it appears
15 to be what was given back to the President with his edits and redline with the comments
16 addressed. Is that fair?

17 A I would say that's likely.

18 Q Okay. Now, who from the speech-writing team went down to the Ellipse
19 for the President's delivery of this speech? Do you remember?

20 A I believe Vince went to the Ellipse.

21 Q Did you go down to the Ellipse?

22 A Not that I remember, no.

23 Q You don't remember if you went to the speech on the Ellipse one way or the
24 other?

25 A I didn't attend the speech --

1 Q Okay.

2 A -- at the Ellipse.

3 Q And looking at the last page of that exhibit 56, I want to make sure we see
4 this. On the very last page, again, consistent with the last version you sent Mr. Miller,
5 this penultimate paragraph ends with: Thank you again to every citizen here today and
6 all across the country for standing strong. Now it is up to the men and women of
7 Congress to do the right thing by their conscience, by their country, and by our
8 Constitution. And no mention of the President telling the rally goers to go to the Capitol
9 or otherwise commenting on them going to the Capitol.

10 Do you see that?

11 A I see that.

12 Q Okay. And so did you -- if you didn't go to the Ellipse for the speech, were
13 you watching it live as the President delivered it?

14 A I watched some of the speech from my office.

15 Q What part of the speech did you watch from your office?

16 A I don't remember specifically.

17 Q Did you see him start the speech, begin it?

18 A I think so.

19 Q And why were you watching?

20 A I mean, it was my habit to watch the President when he spoke in general.

21 Q At what point did you stop watching?

22 A At one point, I went up to -- higher in the EEOB to look out the window to
23 see the crowd.

24 Q Did you then come back to your office to continue watching the speech?

25 A I then went back to my office.

1 Q And did what there?

2 A I think I probably watched more of the speech, but I don't -- I think I may
3 have been in and out in terms of watching -- how much I was watching.

4 Q And, from the part or parts of the speech that you watched, what was your
5 reaction to what the President was actually saying in his speech versus what was in the
6 last draft of the speech?

7 A Um, I don't remember generically, other than that he was ad-libbing.

8 Q And so, to that point, if we look at exhibit 58. And this is not a document
9 that you produced but, rather, is an appendix of the President's speech that he gave that
10 day appended to a report of the Senate's Committee on Homeland Security and
11 Governmental Affairs.

12 And so, if you flip to page 2, you see where the speech starts. And so what we've
13 done is, in exhibit 59, we've created a redline. If you can turn to 59 -- between the final
14 remarks, the remarks that the President actually gave, and the last draft that went to him
15 with the inputs -- with the edits inputted in response to Mr. Miller's email.

16 So the blue text that you see in exhibit 59 is what was new from the President,
17 and strike-outs or deletions, things that he didn't say, would be in green.

18 And I'm not going to go through all of it, but as you said, your impression was that
19 he ad-libbed -- he did some ad-libbing? Is that right?

20 A Certainly I remember that from that day, and in general when the President
21 spoke, he ad-libbed.

22 Q Okay. All right.

23 Do you remember him from your time watching -- you can look at the speech, but
24 that he several times referred to Vice President Pence and what the President hoped he
25 would do during the Joint Session of Congress that day?

1 A I remember that he referred to Pence. I would have to look at the text of
2 the speech to see exactly how.

3 Q That's fine.

4 A And then we can look at page 5 of this exhibit, and starting in the middle where
5 the paragraph starts "Now." So it's right there at the bottom if we can just scroll up a
6 little bit.

7 Q Do you see where it says, "Now, it is up to Congress"?

8 A Yes.

9 Q Okay. I'm just going to read that. It says: Now, it is up to Congress to
10 confront this egregious assault on our democracy. And, after this, we're going to walk
11 down, and I'll be there with you, we're going to walk down, we're going to walk down.
12 Anyone you want, but I think right here, we're going to walk down to the Capitol, and
13 we're going to cheer on our brave Senators and Congressmen and women, and we're
14 probably not going to be cheering so much for some of them because you'll never take
15 back our country with weakness. You have to show strength, and you have to be strong.

16 Q The President's words about saying that he was going to walk with the rally goes
17 down to the Capitol, did that come as news to you?

18 A Yeah. I don't recall any discussion of the President walking to the Capitol.

19 Q And then on --

20 A In advance of the speech.

21 Q Right.

22 Q And, similar to that, if we go to page 25 of the speech -- of the redline, I should
23 say. And if you see right there, you know, we've talked about the end of the various
24 drafts and how at least the last few drafts, and certainly the last one that went to the
25 President, didn't have any mention of going to the Capitol at the end. But here you see

1 on page -- at the end of the remarks that he actually gave: So we're going to, we're
2 going to walk down Pennsylvania Avenue. I love Pennsylvania Avenue. And we're
3 going to the Capitol, and we're going to try and give -- the Democrats are hopeless.
4 They never vote for anything, Not even one vote, but we're going to try and give our
5 Republicans, the weak ones because the strong ones don't need any of our help. We're
6 going to try and give them the kind of pride and boldness that they need to take back our
7 country.

8 So let's walk down Pennsylvania Avenue.

9 Did you know before the President gave his remarks at his speech and at the end
10 that he was going to end by telling people to go down to the Capitol?

11 A I knew what the final prepared remarks were.

12 Q I know that. So I guess that's another way of saying that you didn't know
13 he was going to say this at the end of his speech?

14 A I didn't know anything the President was going to ad-lib.

15 [REDACTED] So I'll ask if anybody has any other --

16 [REDACTED] Not on this, no.

17 [REDACTED] Okay,

18

BY [REDACTED]

19 Q All right. So when did you first become aware that there was violence at
20 the Capitol?

21 A That there was violence?

22 Q Yes. When did you first become aware -- or what word would you use that
23 there was a problem at the Capitol that day?

24 A Well, I remember seeing on TV that there were people walking around
25 inside, and I think that's how I first became aware of it.

1 Q People walking --

2 A On TV.

3 Q Sure. Walking around is all to the good.

4 When did you become aware that there was a problem, whatever word you would
5 use, at the Capitol?

6 A Well, I would consider -- I thought that was unexpected. Walking around
7 inside was unexpected. In terms of --

8 Q Oh, you -- that wasn't clear from your answer. I apologize. You're saying
9 you saw footage of people actually inside the Capitol?

10 A On TV.

11 Q Okay, okay. And you had not seen any coverage of violence before people
12 got into the Capitol?

13 A Um, I don't remember. I remember, my first awareness of it being the
14 footage of them walking -- on TV walking through Statuary Hall, and sometime after that
15 slowly becoming aware that there was some type of violence.

16 Q When you say "slowly becoming aware," what do you mean by that?

17 A My memory is that it wasn't -- I wasn't aware of violence immediately, but I
18 saw this surreal scene, and then I -- from watching the television coverage, I saw what
19 everyone else did and became aware that it was violent.

20 Q Now, at any point that day on the 6th, did you -- or were you asked to assist
21 in drafting or reviewing any tweets that the President sent out about the violence at the
22 Capitol?

23 A No, I don't think so.

24 Q Is that something you normally would have been consulted on, the
25 President's tweets; that is, not about the Capitol but tweets generally?

1 A We were virtually never consulted about the President's tweets.

2 Q Do you know if anyone in the speech-writing office was involved in reviewing
3 those tweets or helping with those tweets that day on the 6th?

4 A I don't know. I don't have any reason to think they were.

5 Q Now, you already talked earlier with my colleague, [REDACTED], that you had
6 no involvement with the video statement that President Trump put out on Twitter at 4:17
7 p.m. that day telling people to go home. Is that right, no involvement?

8 A I don't believe so.

9 Q Other than besides the President's tweets and the video on Twitter, did you
10 within the speech-writing office have any discussion while the attack on the Capitol was
11 ongoing about whether the President should issue any additional statement or go on TV
12 and address the rioters?

13 A Um, I don't remember that specifically. I vaguely remember people on TV
14 and Twitter were saying that kind of stuff, but I don't remember having a conversation
15 about it.

16 Q When you say "that kind of stuff," you mean that the President should say
17 something more to try to get people to stop the violence at the Capitol?

18 A Yeah, that he should say something.

19 Q And to that point, if we look at exhibit 9, these are text messages of yours
20 that you exchanged with Robert Gabriel.

21 Mr. Burlingame. I've put a hard copy of exhibit 9 in front of him.

22 [REDACTED] Thank you, thank you.

23 And, on the screen, we'll be starting on page 4, in the middle of page 4.

24 Mr. Burlingame. Can we blow up the screen just a little bit for me, please?

25 [REDACTED] Absolutely.

1 Mr. Burlingame. Thank you.

2 BY [REDACTED]

3 Q I would preface this by saying, was Mr. Gabriel, to your knowledge, at work
4 on January 6th?

5 A Yes, I believe Robert was somewhere at the White House.

6 Q Okay. And, as you said, his office was right outside of Mr. Miller's in the
7 West Wing?

8 A Actually, Robert -- yeah, Robert had a desk outside Stephen's, and he also
9 had a desk at various points in our suite that he would be in and out.

10 Q That day on the 6th, was he over at the Executive Office Building that
11 afternoon, or was he at the West Wing? Do you know?

12 A I don't remember where Robert was.

13 Q Okay. So, if you look on page 4 at the -- you send Robert a message. It's
14 logged here as January 6, 2021, at 7:14 p.m. You have to subtract the 5 hours, so that
15 means it's 2:14 p.m. And it is a link to a tweet by [REDACTED] I think I'm saying that
16 right; [REDACTED] And we can show you in exhibit 10 that tweet.

17 Do you see that there's a tweet by [REDACTED] sent on January 6th at 1:12 p.m.
18 saying, "We are a government of laws and not men," and it's retweeting, it looks like, a
19 tweet by Vice President Pence earlier that day and his letter explaining that he was
20 not -- that he did not have the unilateral authority to determine which electoral votes
21 should be counted?

22 Do you see that there?

23 A Yes.

24 Q Why did you send that to Mr. Gabriel?

25 A I believe just to draw his attention to the Vice President's letter.

1 Q Okay. And his response back to you is: My fav Arab American.

2 Did you understand what he was trying to say by that?

3 A Yeah, I have an idea what he was trying to say about that.

4 Q And what is that?

5 A I believe that Robert is either Lebanese or Syrian Christian, something like
6 that, and from New Jersey. I believe [REDACTED] was also Lebanese or Syrian Christian,
7 or something like that, from New Jersey, and she may have had in her Twitter bio calling
8 herself Arab American. And I believe Robert had, you know, previously made a joke that
9 he would never consider himself Arab American.

10 Q And then you -- he sends that at 2:40 p.m. And did you understand the
11 Vice President's message to be what would have been a disappointment to President
12 Trump, given what he had said in his speech on the Ellipse earlier that day?

13 A I just remember processing it. I think that would be a reasonable inference
14 from what the President said on --

15 Q Okay. And then --

16 A I apologize.

17 Q At 2:45 p.m., you text Mr. Gabriel: This is insanity.

18 Are you referring then, I imagine at that point, about the people in the Capitol?

19 A Yeah, I think that's referring to what's going on at the Capitol.

20 Q Okay. And I'll just read the back and forth.

21 So he responds back to you: They evacuated Pence -- with exclamation points.

22 And you write back; again, this is all still at 2:45: They are roving around inside
23 the Capitol building? And you sent exclamation points.

24 And Mr. Gabriel responds at 2:49 p.m.: I think so. Unbelievable.

25 And right after that says: POTUS I'm sure is loving this.

1 Did you understand what Mr. Gabriel meant by that comment that "POTUS I'm
2 sure is loving this"?

3 A Not beyond what it says there in that.

4 Q Well, how did you take it? As facetious or that he -- that the President
5 actually -- just something the President would love?

6 A You would have to ask Robert exactly what he meant. I remember I did not
7 think that it was something that POTUS would love.

8 Q And then you send Mr. Gabriel at 3:15 p.m. another link to a tweet by
9 [REDACTED], which we can see on exhibit 10, page 2. And it's a tweet she sent at 2:54
10 p.m. on January 6th: Condemn this now -- and she said at President Trump's Twitter
11 handle -- you are the only one they will listen to. For our country -- exclamation point.

12 Do you see that tweet?

13 A Yes.

14 Q Why did you send that to Mr. Gabriel?

15 A I think just to draw it to his attention, and I may have objected to the idea
16 that he had some type of control over the people.

17 Q Okay. I want to make sure I understand that.

18 So why would you need to send this to Mr. Gabriel?

19 A I think Robert and I were just trading texts. I didn't need to send it to
20 Robert.

21 Q Okay. You didn't comment in there that you -- whether you agreed or
22 didn't agree with what she was saying. I don't see a text message to that effect.

23 Did you have a conversation with Mr. Gabriel on that point?

24 A Not that I recall.

25 Q Okay. Did Mr. Miller reach out to you and discuss with you whether the

1 President should be making a statement at that time to condemn the violence?

2 A At that time, I don't believe so.

3 Q And so you disagree with the sentiment that President Trump's words could
4 have an impact on the people who were at the Capitol at that time?

5 A No, I don't know that I had an objection to him saying that. But, I guess, I
6 didn't think that they were -- I guess -- I don't know. I would be speculating as to why I
7 sent it and exactly what I was thinking when I sent it.

8 Q Mr. Gabriel's response to that, if we go to page 5 of exhibit 9, is that he
9 laughs at it and then says: Hahaha.

10 He sends those at 4:38 p.m. -- yeah, 4:38 p.m.

11 Do you know why his response to that was to laugh at [REDACTED] comment?

12 A I think you would have to ask Robert.

13 Q You didn't talk to him about that?

14 A I mean, we were texting.

15 Q No, I know. You could also talk to him. Did you ever talk to him about
16 that text?

17 A I don't remember.

18 Q Did you agree that it was funny what [REDACTED] was saying?

19 A No, I don't think I thought it was funny.

20 Q Now, if we look at exhibit 8, these are, again, going back to your text
21 messages with Mr. Bock directly, just the two of you.

22 And, if we look at page 3 -- and we'll zoom in -- towards the bottom, and I'll direct
23 your attention to the one that starts "My personal opinion." You'll see that's incoming
24 from Mr. Bock to you, and it's at 9:14 p.m. on January 6th. And he expresses to you:
25 My personal opinion, President Trump needs an Oval Office address as soon as possible

1 where he says he will prosecute all lawbreakers to the fullest extent of the law. We
2 need a strong statement reiterating POTUS's support for peaceful protest and reiterating
3 the administration's support for the rule of law.

4 Now, is that a sentiment you shared at that time about the need for the President
5 to speak to the violence and the rule of law?

6 A At that time? I certainly thought that eventually the President would have
7 to address it certainly, and it would be a good thing to address it.

8 Q And we brought it up earlier. He did address it the next day on January 7th
9 in a video that we have as exhibit 19.

10 Do you -- again, I think you said earlier -- do you remember whether you played
11 any role in drafting the speech that he gave on January 7th about the violence?

12 A I really don't remember. I'm hazy on that. I mean, there was a lot going
13 on. It wouldn't surprise me if I did, but I don't have a distinct memory about it.

14 Q At any point during the attack on the Capitol that afternoon, at any point,
15 did you go back -- were you in the West Wing?

16 Mr. Burlingame. I'm sorry. At what point?

17 [REDACTED] At any point while the violence was ongoing. So I'll just define it
18 from 1 p.m. until 6 p.m. on the 6th.

19 Mr. Burlingame. Thank you.

20 BY [REDACTED]

21 Q Did you go to the West Wing, Mr. Worthington?

22 A I don't recall doing so. It's -- yeah, I don't recall doing so specifically.

23 Q And, during that time, did you, yourself, interact with President Trump at all
24 that you remember?

25 A No.

1 [REDACTED] One second.

2 If you'll just give me a minute, I'll just confer with my colleagues, and then we
3 might be nearing an end here; okay. So if we could just take 3 minutes and then come
4 back on at maybe 5:35, and maybe we'll wrap this up. Is that okay?

5 Mr. Burlingame. Perfect.

6 [REDACTED] Okay. Great.

7 [Recess.]

1

2 [5:37 p.m.]

3 [REDACTED] Okay. We are -- so it's -- my eyesight's not great -- it's 5:37 p.m.,
4 and we're back on the record.

5 BY [REDACTED]:

6 Q Just a few more points, Mr. Worthington.

7 Just to give us a sense of that afternoon of the 6th, after you're aware of people in
8 the Capitol. I know that you didn't speak to the President and you don't recall going to
9 the West Wing.

10 Do you remember who you were talking to, generally, about what was going on
11 and what, if anything, your office could do to help?

12 A I don't remember talking about what our office could do to help. I
13 remember talking to various colleagues in the EOB.

14 Q About what sorts of things?

15 A Just about what was going on, or after it was over as well.

16 Q And did anybody that you talked to that afternoon of the 6th convey to you
17 that they had spoken with the President or knew what the President was doing that
18 afternoon?

19 A Not that I recall.

20 Q In the day and days after, did you ever speak with the President about the
21 events of January 6th?

22 A I don't remember doing so specifically, no.

23 Q Have you ever at any point since January 6th spoken to the President about
24 his personal experience that day, what he was doing?

25 A About his personal experience that day?

1 Q Right. What he was doing that day.

2 A I don't believe so.

3 Q Have you ever spoken to him about, discussed with him his views on what
4 Vice President Pence did that day in reconvening the session of Congress after the attack
5 and proceeding through the certification of the electoral college?

6 A I believe I've heard him make comments about Pence that are similar to the
7 types of things he says publicly.

8 Q A way of saying that he disagrees with what Vice President Pence did that
9 day?

10 A Yeah. I mean, similar to the type of stuff he's said publicly, I've heard him
11 quip, I suppose.

12 Q Have you talked to the President at any point since January 6th about his
13 views of what took place at the Capitol during the attack, whether it was an insurrection,
14 whether it was a riot, whether it was Trump supporters? Just anything about his views
15 about what happened at the Capitol?

16 A I believe I've heard him make comments about January 6th certainly.

17 Q Do you mean public comments, or has he discussed it with you?

18 A I've heard him make comments in private.

19 Q Okay. So on this point about whether it was Trump supporters who
20 attacked the Capitol, what has he said in private, if anything, on that point?

21 A I don't recall discussing with him the nature of the -- of whether they were
22 Trump supporters or not.

23 Q So what has he said? When you say you've heard him make comments in
24 private about what happened at the Capitol, what has he said?

25 A Oh, I don't remember specific quotes or, you know, I've just -- things that

1 he's added to rallies, that kind of stuff I've heard.

2 Q Things he said at rallies. Okay. So it's fairly vague. Just trying to get a
3 better sense. I'm not asking for a verbatim transcript. But what are the personal
4 comments you've heard in private him comment about those events?

5 A You know, I've heard him say things like Nancy Pelosi should have secured
6 the Capitol more, that type of thing.

7 Q Any comments about whether he took any steps to have a law enforcement
8 presence in D.C. on the 6th?

9 A Yeah, I've heard him say the thing he says publicly about -- I've heard him say
10 both publicly and privately about how he said there should be 10,000 troops there, that
11 type of thing.

12 Q Has he said privately what steps, if any, he took to get these 10,000 troops
13 to be deployed on January 6th?

14 A I don't think we've ever discussed it in that detail or that I've heard him talk
15 about in that detail.

16 Q On this issue of whether what happened at the Capitol was an insurrection
17 or an attempted insurrection, have you heard him comment on that privately?

18 A I believe I may -- I've heard him say thing to the effect of not an insurrection.

19 Q Okay. And so on exhibit 9, which are your text message with Robert
20 Gabriel, if we look at page 5, at 8:38 p.m. on January 6th you text Mr. Gabriel, "McConnell
21 called it a 'failed insurrection.' What an asshole."

22 Were you referring to Senator McConnell?

23 A I'm sure, yes, Mitch McConnell.

24 Q All right. Why -- what about the term "failed insurrection" led you to
25 criticize Mr. -- Senator McConnell here?

1 A I think I thought of it as a protest that got out of control.

2 Q Did you ever talk to Mr. Stephen Miller about his interactions with President
3 Trump on January 6th after the Ellipse rally and while the attack on the Capitol was
4 ongoing?

5 A Not that I recall.

6 Q You never talked to him about what he was doing that afternoon or what he
7 was up to?

8 A About what Stephen was doing?

9 Q Yes.

10 A I don't think so.

11 Q You didn't -- so you don't know whether he was in the West Wing or not or
12 where he was at all? You never talked about it?

13 A I don't think I was talking to Stephen that day that I recall after the speech,
14 and I don't remember talking about his whereabouts or activities after the speech with
15 him.

16 Q Same question with respect to Mark Meadows. Did you ever have a
17 conversation with him, either on January 6th or after, about what he was doing while the
18 attack on the Capitol was ongoing?

19 A No, I don't believe so.

20 Q And Dan Scavino, same question?

21 A No.

22 [REDACTED] I'll ask my colleague, [REDACTED], if he had any follow-up questions.

1

2

BY [REDACTED]:

3

Q Did you talk with anybody, Mr. Worthington, about resignations that day?

4

A bunch of people quit. Did you ever have any conversations about that subject either

5

with people who did or people who considered resignation?

6

A I believe I may have talked with Vince about Matt Pottinger resigning.

7

Q Talked with whom about that? Vince Haley?

8

Tell me about that conversation, what did you learn, the conversation with

9

Mr. Haley about Pottinger resigning?

10

A Oh, I don't know that there was, like, a major conversation about it. I just

11

remember vaguely discussing it.

12

Q Did you learn from Vince that he had resigned, or were you telling Vince that

13

he had resigned? Just tell me more about the words spoken or messages conveyed in

14

that conversation.

15

A I don't recall. I may have learned it from press reports. I don't recall how

16

I learned Pottinger resigned.

17

Q Okay. Did you ever talk to Pottinger himself?

18

Mr. Burlingame. About his resignation?

19

[REDACTED] Yes.

20

Mr. Burlingame. Thank you.

21

The Witness. Are you asking if I talked to Pottinger himself since then?

22

BY [REDACTED]:

23

Q At any point, from the time of January 6th onward to this moment, have you

24

talked to Matt Pottinger about his resignation?

25

A Yeah, slightly.

1 Q Tell me what he said.

2 A My recollection is that he said something to the effect of he was moving to
3 Utah and that he had a disagreement with the President at the end. And I remember
4 him basically saying, I think, his last day was already going to be a couple days later.

5 Q What did he say about the disagreement with the President?

6 A Well, I don't believe that Matt meant that he had a conversation with the
7 President in which they disagreed. I think he just -- he meant he was distressed by what
8 ended up happening at the Capitol.

9 Q Do you remember anything else he said about the resignation?

10 A Only that he and the President ended up on good terms.

11 Q Okay. Anything else?

12 A Not in particular, no.

13 Q Anyone else that either resigned or contemplated resigning that you spoke
14 with that day or any time thereafter?

15 A You're asking about conversations about it?

16 Q Let's start with that. Conversations with those people, yes, who actually
17 did resign.

18 A No. I can't really remember any of the conversations. I mean, there was
19 a lot going on. I'm not saying that that didn't happen, but I don't recall anything
20 specifically as I'm sitting here.

21 Q Okay. So you didn't talk to Sarah Matthews or Stephanie Grisham or
22 anyone else about their resignations?

23 A No.

24 Q Did you ever talk to others about their resignations?

25 A I don't recall any specific conversations about that.

1 Q Did you ever talk to anyone who himself or herself thought about resigning
2 but did not?

3 A Not that I specifically remember.

4 Q I take it you never thought about resigning, Mr. Worthington. Is that right?

5 A No, I don't believe so.

6 Q Did it ever cross your mind?

7 A I don't know. I don't think so.

8 Q Have you talked to the President about the subpoena you received from the
9 select committee?

10 A Only very briefly.

11 Q Tell us about that conversation.

12 A He just -- he was -- he was -- we were chatting and he was -- said, "Was it
13 you that got a subpoena, or was that me or someone else." And I said, "Yeah, I was
14 subpoenaed." And he said something to the effect of just tell the truth.

15 Q Did -- that was my next question -- did he give you any guidance about what
16 you should or should not do? He said just tell the truth?

17 A That was the effect of it.

18 Q Good. Okay. Separate from your lawyer -- I don't want to hear anything
19 about conversations with him -- who else have you talked to about your appearance, your
20 deposition and your appearance here before the select committee?

21 A About my appearance or about the subpoena?

22 Q Well, both.

23 A Well, my wife, my parents, just surface level. Obviously they're curious. I
24 believe I talked -- Brian Jack gave me a call after I was subpoenaed.

25 Q Okay.

1 A And just said thinking of you type thing.

2 Stephen also gave me a call. I discussed it briefly with Susie Wiles. I've
3 discussed it just surface level with Vince. Referenced it with Tony, my lawyers, and
4 maybe others. But I don't remember anything, as I'm sitting here, I don't -- I can't think
5 of anyone else.

6 Q Okay. You mentioned Brian Jack. You said that was just a brief
7 conversation confirming that you'd been subpoenaed. Was there anything more than
8 that that you recall?

9 A No. I specifically didn't want to talk to Brian about it. But I just -- I think
10 he basically said he was bummed out that when his name's in the news, no one reached
11 out to him. So he was just trying to give me a pat on the back.

12 Q I'm sorry. Pat on the back for what?

13 A Just to say thinking about me and it will be fine.

14 Q Sort of like a good luck or I'm thinking about you, given that you've been
15 subpoenaed.

16 A Yeah, basically.

17 Q Yeah, okay.

18 How about Stephen Miller? Tell me about the conversation you had with him
19 about the subpoena or your appearance here before the select committee?

20 A Stephen and I didn't discuss the substance of the matters. You know, he
21 was calling to make sure that I had a lawyer and to talk about ways to defray legal costs.

22 Q Okay. Did you have any help with that, with the defraying legal costs?
23 Have you had any help with that?

24 A Randy is someone that I've known for a long time. And when I got -- he
25 had long ago said, "If you ever get subpoenaed, call me." And I called him. And

1 he -- my understanding --

2 Mr. Burlingame. Wait, wait, wait. I'm not going to let you talk about what you
3 discussed with Randy.

4 And the reference to Randy is to Mr. Evans, who is Mr. Worthington's counsel,
5 along with me.

6 [REDACTED] Right. I appreciate that, Mr. Burlingame.

7 And, yes, I don't want to get into, Mr. Worthington, any conversations that you
8 had with your lawyers.

9 But I am curious about the fees that you've paid, whether you have had any help
10 beyond your family with paying for the cost of your representation.

11 The Witness. Well, so far, to my knowledge, nothing has been paid.

12 [REDACTED] Okay. Is it your expectation that in the future you will have any
13 assistance in paying for the cost of your representation?

14 Mr. Burlingame. To the extent that that calls you to divulge discussions that you
15 had with Mr. Evans, I'm going to ask you not to answer that based on the attorney-client
16 privilege.

17 BY [REDACTED]:

18 Q Yeah, and I accept that. I don't want you to get into anything that you
19 discussed with Mr. Evans.

20 A Other than Randy, I've discussed it with Susie Wiles.

21 Q Tell me more about that, your discussions with Ms. Wiles.

22 A She just told me that there's a few options and that she's sure that one of
23 them will work out.

24 Q Tell me more about that. What options did she suggest were potentially
25 available?

1 A I believe the PAC is paying for some.

2 Q Which PAC?

3 A Save America PAC.

4 Q That's the PAC controlled by former President Trump?

5 A Yes.

6 Q Okay. And you said they're paying for some. You mean paying for the
7 legal fees of some witnesses who've been subpoenaed by the select committee?

8 A That's my understanding from what Susie said.

9 Q Okay. And did Susie suggest that you might be able to avail yourself of
10 Save America PAC funding to pay the cost of your representation?

11 A She suggested that.

12 Q Okay. What other options did she suggest might be available?

13 A The only other thing I remember discussing with her was that the Schlapps
14 were running a legal defense fund.

15 Q Okay. Do you have any prior contact with the Schlapps or anyone
16 associated with them?

17 A I mean, I know Mercy from the White House.

18 Q Okay. And, I'm sorry, Ms. Wiles was suggesting that the Schlapps have
19 created a fund or have paid for legal fees for various people who have been subpoenaed
20 by the select committee?

21 A Well, I don't know the Schlapps personally, but some entity. I don't know
22 what the exact entity is.

23 Q Yeah. I understand. Okay.

24 Any other options that MS. Wiles recommended might be available to you
25 specifically for this purpose, to pay for legal fees?

1 A Not that I remember discussing with Susie, no.

2 Q All right. How about from any other source, whether there might be other
3 sources of assistance to pay for legal fees that you've heard of beyond Susie, the
4 conversation you had with Susie Wiles?

5 Mr. Burlingame. Again, same instruction about --

6 [REDACTED] Yeah.

7 Mr. Burlingame. -- the substance of any conversations with Mr. Evans on the
8 subject as well.

9 [REDACTED] Yeah, that's exactly right. I don't want to hear about your
10 conversations with your own lawyers.

11 Mr. Burlingame. Thank you.

12 The Witness. I discussed, I think, the same options with Stephen and -- or similar
13 options. And other than those, I think Stephen had floated the general idea that it
14 might be possible to raise money from private individuals, but I haven't discussed that
15 with anyone further.

16 BY [REDACTED]:

17 Q Did he mention any private individuals from whom it might be possible to
18 raise money for this purpose?

19 A You mean people who might donate?

20 Q Yes.

21 A No.

22 Q Did you learn from Stephen whether he or other witnesses who had been
23 subpoenaed have accessed those sources of funding for legal fees?

24 A It was Stephen that told me to call Susie.

25 Q Okay. Did he say anything about his own situation or his own status as a

1 witness, whether he's been subpoenaed or whether he has himself gotten assistance to
2 pay legal fees? Yeah, not his lawyer -- well, yeah, I guess it wouldn't be privileged if it's
3 Mr. Miller telling you.

4 A I don't remember specifically if he said he had had a final arrangement, but
5 my memory is that he discussed the same options with Susie.

6 Q Okay. Anyone else in that category, Mr. Worthington, besides Mr. Miller
7 with whom you discussed the prospect of you getting help with legal fees or their getting
8 help with legal fees?

9 A Not that I recall.

10 Q Okay. Even if you hadn't talked to them directly, have you heard about
11 other witnesses who have gotten such assistance with their legal fees from those or other
12 sources?

13 A I don't remember anyone specifically. I remember the notion that there
14 are others.

15 Q Okay. Again, who generally do you remember being mentioned in those
16 conversations, others that might have gotten --

17 A I don't remember anyone specifically.

18 Q Okay. Beyond your lawyers, have you gotten any advice from anyone
19 about what you should or shouldn't do with respect to the subpoena, your approach to
20 the inquiries from the select committee?

21 A I don't believe so. Not --

22 Q How --

23 A -- that I recall.

24 Q I'm sorry. I didn't mean to interrupt you. Go ahead.

25 A Not that I recall.

1 Q How about Kash Patel? Have you ever talked to him about his appearance
2 or talked with him about how you should approach cooperation with the select
3 committee?

4 A I think I've discussed with Kash that I was subpoenaed but not the substance
5 of the matter.

6 Q Okay. After you received your subpoena -- or even before that, any time
7 since January 6th, have you gone back over any of the events that [REDACTED] or
8 [REDACTED] talked about to try to refresh your recollection or learn things from other
9 witnesses that might come up in the course of your testimony?

10 Mr. Burlingame. I just want to be clear. I think your answer presupposes this,
11 but you're not asking for discussions with counsel. Is that correct?

12 [REDACTED] Yes, exactly right.

13 Ms. Burlingame. Thank you.

14 [REDACTED] I'm not going to keep saying that. But I don't want you at all,
15 ever, Mr. Worthington, to disclose conversations you've had with your own lawyers.

16 Mr. Burlingame. I appreciate that.

17 The Witness. What was the question again?

18 BY [REDACTED]

19 Q Yeah. I'm just wondering if you discussed --

20 A Aside from my lawyer?

21 Q -- just discussed your testimony, the substance of it, the events, gone back
22 over them to sort of share your memories, pick the brains of others about the nuts and
23 bolts of the stuff that we've been asking you about?

24 A No, not that I recall. I've made a point not to discuss the substance of it
25 with other people, other than the fact that some people have said to me that they heard I

1 was subpoenaed.

2 Q Okay.

3 [REDACTED] Go ahead.

4 BY [REDACTED]:

5 Q Relatedly, did you ever talk with the President about the impeachment
6 proceedings in which he was impeached on the basis that he incited the crowd to attack
7 the Capitol on the 6th?

8 A Did I ever talk with the President about the impeachment proceedings?

9 Q Correct.

10 A Yes.

11 Q Okay. And what were those conversations, given that it concerned a
12 speech at the Ellipse that you had helped or had a hand in helping to draft?

13 A You're asking what the conversation was?

14 Q Yes.

15 A I think we've talked about the impeachment on a number of occasions. I
16 mean, do you have anything more specific?

17 Q Well, I wasn't a party to the conversations. I'm not trying to be cute. I
18 don't know what you talked about. So what did you-all talk about with regard to the
19 speech that he was -- at least was a large reason of why he was impeached?

20 A Well, we talked to him about his impeachment -- I talked to him about his
21 impeachment, like, after he left office, is my recollection.

22 Q That helps with timing. What did you-all talk about, though, when you did
23 talk to him about it?

24 A We talked about the trial, the impeachment trial.

25 Q And what about it?

1 A That he was reacting to the events of the trial and was looking for help in
2 putting forward good arguments.

3 Q You assisted. So did you help he and his legal team in preparing for the
4 impeachment trial?

5 A To some degree.

6 Q Did you ever talk to him as part of these preparations about why he
7 ad-libbed the things that he ad-libbed in the speech on the 6th?

8 A No, I don't believe we ever discussed that.

9 Q You never asked him, "Why did you say you, President Trump, said you were
10 going to go to the Capitol with the rally goers"?

11 A No, I never asked him that.

12 Q Did you ever ask him about why he added comments both in the draft that
13 you saw and then also when he actually spoke about Vice President Pence? Did you
14 ever talk to him about that?

15 A If you're asking if I've ever asked him that, no.

16 Q Did you ever ask him about why or did you hear him comment on why he
17 said at the end of the speech on the 6th, again, told people that he'd be going with them
18 and to go to the Capitol?

19 A No, I never asked him or heard him comment on those issues.

20 Q And did you ever just talk with him person to person about the allegation
21 that his speech on the 6th incited people to attack the Capitol?

22 A I don't know that we've discussed it in those terms. But I do remember my
23 general impression is that he thought that was a bogus charge.

24 Q And you personally, I mean, you had a hand in drafting it and you saw what
25 happened, what is your view on that?

1 A My view on what?

2 Q Whether the speech that he gave incited the crowd to attack the Capitol.

3 A My own view is that it was a protest that got out of control, although I've
4 learned things through the news that everyone else has learned since then. Yeah, that's
5 my general view. I mean, I've read the reporting, but I don't believe that the speech
6 caused it.

7 [REDACTED] I don't think I have anything else.

8 [REDACTED] Thank you. I'll check to see whether any of our
9 colleagues -- anybody who's on the Webex with us has any questions. If they do, they
10 can go off mute.

11 They don't have any questions, it appears.

12 So, Mr. Worthington and Mr. Burlingame, thank you for your time today and your
13 patience in going through all the documents. We appreciate it. And at this time we'll
14 close the deposition and the record.

15 Mr. Burlingame. And you'll give me a heads-up when the transcript's ready for
16 review, [REDACTED]?

17 [REDACTED] We are. And we'll have our IT person get with your IT person
18 about the Google Doc. Sounds like fun.

19 Mr. Burlingame. And if there's anything more you need from me, you've got my
20 number. So reach out to me directly.

21 [REDACTED] And the same is true for me. You can always reach me.

22 So thank you again. And take care, guys.

23 [REDACTED] Thank you.

24 [Whereupon, at 6:05 p.m., the deposition was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date